



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT COMMISSION
TUESDAY - - - MAY 16, 2006 - - - 5:30 P.M.

Time: Tuesday, May 16, 2006, 5:30 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Commission on agenda items only, may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Fleet Industrial Supply Center.

Negotiating parties: Community Improvement Commission and ProLogis.

Under negotiation: Price and terms.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment


Beverly Johnson Chair



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY - - - MAY 16, 2006 - - - 5:31 P.M.

Time: Tuesday, May 16, 2006, 5:31 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner
of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Council on agenda items only,
may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Campos-Marquez v. City of Alameda.

3-B. CONFERENCE WITH LABOR NEGOTIATORS

Agency negotiators: Marie Gilmore and Frank Matarrese.


Employee: City Attorney.

3-C. PUBLIC EMPLOYMENT

Title: City Attorney.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment


Beverly Johnson, Mayor



CITY OF ALAMEDA • CALIFORNIA

ANNUAL MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY
TUESDAY - - - MAY 16, 2006 - - - 7:25 P.M.

Location: **Council Chambers**, City Hall, corner of Santa Clara Avenue
and Oak Street.

Public Participation

Anyone wishing to address the Authority on agenda items or business introduced by Authority may speak for a maximum of 3 minutes per agenda item when the subject is before the Authority. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

Minutes of the Annual Industrial Development Authority Meeting of May 17, 2005.

ORAL COMMUNICATIONS (Public Comment)

AUTHORITY COMMUNICATIONS (Communications from Authority)

ADJOURNMENT



CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - REGULAR MEETING OF THE CITY COUNCIL
TUESDAY - - - - - MAY 16, 2006 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. Agenda Items
6. Oral Communications, Non-Agenda (Public Comment)
7. Council Communications (Communications from Council)
8. Adjournment

Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT 5:30 p.m.
COMMISSION, CITY COUNCIL CHAMBERS CONFERENCE ROOM
Separate Agenda (Closed Session)

SPECIAL MEETING OF THE CITY COUNCIL 5:31 P.M.
CITY COUNCIL CHAMBERS CONFERENCE ROOM
Separate Agenda (Closed Session)

ANNUAL MEETING OF THE INDUSTRIAL DEVELOPMENT 7:25 P.M.
AUTHORITY, CITY COUNCIL CHAMBERS
Separate Agenda

SPECIAL JOINT MEETING OF THE CITY COUNCIL, ALAMEDA 7:31 P.M.
REUSE AND REDEVELOPMENT AUTHORITY, COMMUNITY IMPROVEMENT
COMMISSION, AND HOUSING AUTHORITY BOARD OF COMMISSIONERS
CITY COUNCIL CHAMBERS, Separate Agenda

1. ROLL CALL - City Council
2. AGENDA CHANGES
3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS
 - 3-A. Presentation by Alameda Architectural Preservation Society of a Historic Preservation Award for the storefront rehabilitation of the Oddfellows Building at 1501 Park Street using a City façade grant.
 - 3-B. Proclamation declaring May 18, 2006 as Bike to Work Day.
4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

 - 4-A. Minutes of the Special and Regular City Council Meetings held on May 2, 2006, and the Special City Council Meetings held on May 3, 2006. (City Clerk)
 - 4-B. Bills for ratification. (Finance)
 - 4-C. Recommendation to accept the Quarterly Sales Tax Report for the Period Ending March 31, 2006. (Finance)
 - 4-D. Recommendation to approve a Contract with EIP Association, Inc. in the amount of \$173,075 for the preparation of an Environmental Impact Report for Harbor Bay Associates, Inc. (Planning and Building)
 - 4-E. Recommendation to appropriate \$16,000 from the Curbside Recycling Fund and award a Contract in the amount of \$72,582, including contingencies, to AJW Construction for installation of Rubberized Sidewalks, No. P.W. 02-06-05. (Public Works)
 - 4-F. Recommendation to award Contract in the amount of \$436,000, including contingencies, to SpenCon Construction, Inc. for the Fiscal Year 2005-06 Repair of Portland Cement Concrete Sidewalk, Curb, Gutter, Driveway and Minor Street Patching, No. P.W. 03-06-06, and authorize the City Manager to execute up to four additional Contract Extensions. (Public Works)

- 4-G. Adoption of Resolution Requesting the Metropolitan Transportation Commission to Allocate \$219,186 in Transportation Development Act (TDA) Article 3 Funding for the Fernside Boulevard Pedestrian Access Improvements near Lincoln Middle School (Safe Routes to School), No. P.W. 11-02-15. (Public Works)
- 4-H. Adoption of Resolution of Intention to Levy an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2006-07 and to Set a Public Hearing for June 6, 2006. (Development Services)
- 4-I. Adoption of Resolution Ordering Vacation of an Abandoned 15 Foot Storm Drain Easement within Assessor Parcel No. 074-1360-Portion of 24, 25, 27, 29, 125 and 152 and Authorize Recordation of Quitclaim Deed [ID No. 16]; and
- Adoption of Resolution Ordering Vacation of Abandoned 10 Foot Sanitary Sewer Easement within Assessor Parcel No. 074-1356-Portion of 12 and 13, and Authorize Recordation of Quitclaim Deed [ID No. 17] (Catellus/Bayport Residential Project). (Development Services)
- 4-J. Adoption of Resolution Amending the Management and Confidential Employees Association (MCEA) Salary Schedule by Establishing the Salary Range for the Classification of Web Technical Producer. (Human Resources)

5. REGULAR AGENDA ITEMS

- 5-A. Adoption of Resolutions Appointing Jeanette L. Copperwaite, Kenneth I. Dorrance, David J. Duffin, Liam Gray, Orin D. Green, Patricia A. Grey, Tamar Lowell, and Theatte (Teddy) B. Tabor as Members of the Film Commission.
- 5-B. Public Hearing to establish Proposition 4 Limit (Appropriation Limit) for Fiscal Year 2006-07; and
- Adoption of Resolution Establishing Appropriations Limit for Fiscal Year 2006-07. (Finance)
- 5-C. Public Hearing to consider collection of Delinquent Business License Fees via the Property Tax Bills. (Finance)
- 5-D. Recommendation to award Contract in the amount of \$1,050,505.00 to McGuire and Hester, and allocate a 10% contingency in the amount of \$105,100.00 for the construction of the Bayport 4-acre park. (Development Services)

6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.

7. COUNCIL COMMUNICATIONS (Communications from Council)

Councilmembers can address any matter, including reporting on any Conferences or meetings attended.

8. ADJOURNMENT

- For use in preparing the Official Record, speakers reading a written statement are invited to submit a copy to the City Clerk at the meeting or e-mail to: lweisige@ci.alameda.ca.us
- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting
- Accessible seating for persons with disabilities, including those using wheelchairs, is available
- Minutes of the meeting available in enlarged print
- Audio Tapes of the meeting are available upon request
- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting



CITY OF ALAMEDA • CALIFORNIA

SPECIAL JOINT MEETING OF THE CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY,
COMMUNITY IMPROVEMENT COMMISSION, AND
HOUSING AUTHORITY BOARD OF COMMISSIONERS
TUESDAY - - - MAY 16, 2006 - - - 7:31 P.M.

Location: **City Council Chambers**, City Hall, corner of Santa Clara Avenue and Oak Street.

Public Participation

Anyone wishing to address the Council/Board/Commission on agenda items or business introduced by the Council/Board/Commission may speak for a maximum of 3 minutes per agenda item when the subject is before the Council/Board/Commission. Please file a speaker's slip with the Deputy City Clerk if you wish to speak.

ROLL CALL

CONSENT CALENDAR

- 1-A. Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority and Community Improvement Commission (CIC) Meeting held on May 2, 2006; and the Special CIC Meeting held on May 3, 2006. (City Clerk)
- 1-B. Recommendation to approve Amended Contract with Komorous-Towey Architects, Inc. by increasing the Contract by \$27,200 to provide additional Architectural and Construction Administration Services for the Civic Center Parking Garage. (Development Services) **[Community Improvement Commission]**

AGENDA ITEMS

- 2-A. Adoption of Resolution Adopting Policy of City Council, Community Improvement Commission, Housing Authority Board of Commissions, and Alameda Reuse and Redevelopment Authority for Expense Reimbursement, Compensation, and Ethics Training for Elected Officials and Legislative Body Members. (City Manager)
- 2-B. Discussion of City Attorney/General Counsel Legal Services and staffing options. (City Attorney)

ADJOURNMENT

Beverly Johnson, Mayor
Chair, Alameda Reuse and
Redevelopment Authority, Community
Improvement Commission and Housing
Authority Board of Commissioners

UNAPPROVED MINUTES

MINUTES OF THE ANNUAL INDUSTRIAL DEVELOPMENT AUTHORITY MEETING
TUESDAY- -MAY 17, 2005- -7:27 P.M.

Chair Johnson convened the annual meeting at 8:06 p.m.

ROLL CALL - Present: Board Members Daysog, deHaan, Gilmore,
Matarrese and Chair Johnson - 5.

Absent: None.

MINUTES

Minutes of the Special Industrial Development Authority Meeting of
June 1, 2004.

Board Member Daysog moved approval of the Minutes.

Board Member Gilmore seconded the motion, which carried by the
following voice vote: Ayes: Board Members Daysog, Gilmore,
Matarrese and Chair Johnson - 4. Abstention: Board Member deHaan -
1.

ORAL COMMUNICATIONS

Former Councilmember Lil Arnerich, Alameda, complimented the Board
for bringing back former Executive Director Bill Norton.

AUTHORITY COMMUNICATIONS

None..

ADJOURNMENT

There being no further business, Chair Johnson adjourned the annual
meeting at 8:14 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

The agenda for this meeting was posted in accordance with the Brown
Act.

Proclamation

WHEREAS, bicycling to work alleviates traffic congestion, reduces air pollution, and decreases fuel consumption; and

WHEREAS, bike-to-work days have proved effective in converting drivers to bicyclists and educating citizens about the environmental and health benefits of biking to work; and

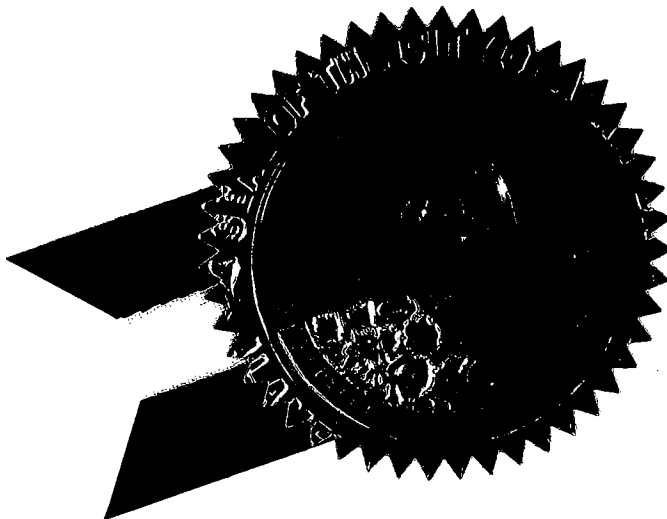
WHEREAS, the City of Alameda encourages its citizens to bike to work to improve air quality and promote the health benefits of cycling; and

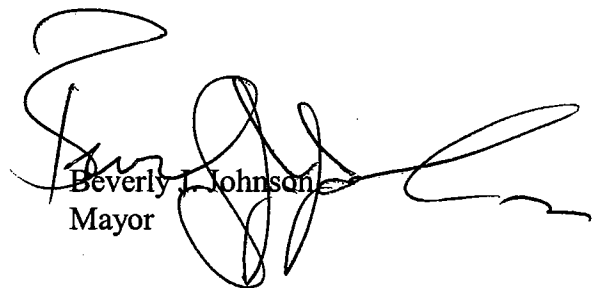
WHEREAS, cities and counties throughout the Bay Area are promoting Tuesday, May 18, 2006, as the Bay Area's Bike-to-Work Day, 2006.

NOW, THEREFORE, I, Beverly Johnson, Mayor of the City of Alameda, do hereby proclaim Thursday, May 18, 2006 as

ALAMEDA BIKE-TO-WORK DAY, 2006

FURTHERMORE, I commend BikeAlameda for their partnership with the City, and encourage all of our citizens to join with the City of Alameda, the California Bicycle Coalition, Metropolitan Transportation Commission, the Alameda/Oakland Ferry Service and the Alameda Harbor Bay Ferry Service in supporting the Bay Area's Bike-to-Work day.




Beverly I. Johnson
Mayor

**Proclamation 3-B
5-16-06**

DRAFT

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 2, 2006- -5:30 P.M.

Mayor Johnson convened the Special Meeting at 5:45 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese and Mayor Johnson -5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-) Conference with Legal Counsel - Anticipated Litigation;
Significant exposure to litigation pursuant to Subdivision (b) of
Section 54956.9; Number of cases: One.

(06-) Public Employment; Title: City Attorney.

Following the Closed Session, the Special Meeting was reconvened and
Mayor Johnson announced that regarding Conference with Legal
Counsel, the Council received a briefing from Legal Counsel and
gave directions to Legal Counsel; and regarding Public Employment,
the Council discussed hiring of a new City Attorney.

Adjournment

There being no further business, Mayor Johnson adjourned the
Special Meeting at 7:15 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown
Act.

DRAFT
MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MAY 2, 2006- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:45 p.m. Councilmember Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(06-) Mayor Johnson announced that the discussion of City Attorney/General Counsel Legal Services and staffing options [paragraph no. 06- CC/06- CIC] on the Special Joint City Council, Alameda Reuse and Redevelopment Authority, and Community Improvement Commission Meeting agenda would be continued.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-) Proclamation declaring May as National Preservation month.

Mayor Johnson read the Proclamation and presented it to Nancy Anderson, Chair of the Historical Advisory Board.

(06-) Proclamation declaring May 14 through May 19, 2006 as Girls' Rights Week.

Mayor Johnson read the Proclamation and presented it to Gabriella Lewis and Danessa La Cap, Girls Inc. Members and Melissa Marsh, Girls Inc. Board President.

(06-) Library project update.

The Project Manager provided a brief presentation.

Councilmember Matarrese inquired whether the County issue was with the [Gim's] restaurant building and not the wood frame building.

The Project Manager responded in the affirmative; stated that he encouraged the property owner to de-couple the application and delete the plans to have the kitchen equipment in the historic building for the short term in order to move forward with the application; the property owner would seek financing for the improvements.

Councilmember deHaan stated there are structural concerns with the historic building; inquired whether there are ways to ensure that the asset stays in tact.

The Project Manager responded in the affirmative; stated plywood bracing could be applied to the interior and corners.

Mayor Johnson inquired whether spending money on cosmetic improvement makes sense if structural work is not performed to make the building sound; the community considers the building to be a historic asset; the building should be painted for the grand opening; grant money should not be spent on the façade if the owner is not committed to perform structural work.

The Project Manager stated the façade grant money could pay for a decent paint job and window replacement.

Councilmember deHaan stated the question is whether the building is in jeopardy of being lost; inquired whether the owner's application addresses the shoring up of the building.

The Project Manager responded that the current application includes a foundation replacement and structural stabilization; stated he has not been in the building for over six years; the building appears to have a five-degree tilt towards the back; the permit addresses using the structure as a tearoom, which prompted the involvement of the Health Department.

Councilmember deHaan stated that he would like to see other City departments engaged in the process, particularly the Planning Department.

Vice Mayor Gilmore inquired whether the owner was hung up with the County Health Department and whether the City could concurrently process the rest of the application

The Project Manager responded Health Department requirements trigger other requirements; stated a straight rehabilitation application could move forward fairly quickly.

Mayor Johnson inquired whether an application went to the Historic Advisory Board (HAB).

The Project Manager responded that the HAB issued a partial demolition permit for up to 30% of the structure.

Mayor Johnson inquired whether the application was for the historic

structure alone, to which the Project Manager responded in the affirmative.

Mayor Johnson inquired why the owner has not moved forward.

The Project Manager responded that the owner states that there are delays with the Health Department.

Councilmember deHaan inquired whether other City departments could help with the process to save Gim's historic structure.

The Project Manager responded that he will work with the Planning and Building Departments to facilitate an evaluation of the structure.

Richard W. Rutter, Alameda Architectural Preservation Society (AAPS), stated that AAPS voted to appropriate \$500 toward painting Gim's historic structure if the owners cannot get the money themselves; stated he was the architect for the Independent Order of Odd Fellows façade renovation; façade grant money was not received until progress billings were provided.

Councilmember Matarrese stated the library project and LEEDS required insulation is impressive; requested that a fireproof viewing port be considered; a building in Red Bluff had a glass cut out which provides a view of the fireproofing.

The Project Manager stated that he would work with the other departments to find a solution.

Vice Mayor Gilmore stated that a mock up could be placed in a shadow box and hung on the wall to look like a cross section of the walls layers.

Councilmember Matarrese stated that the community should see proposed alternatives.

(06-) Announcement regarding need for Poll Workers and general voting information for June 6 election.

Mayor Johnson read a statement regarding the election and urged voters to work at the polls; suggested that the information be posted on the City's website.

The City Clerk stated that May 22 is the last day to register; election results will be available the morning after the election instead of election night because paper ballots will be used; the Registrar is working on solutions for the November election.

Mayor Johnson inquired whether early voters would be voting by machine.

The City Clerk responded in the affirmative; stated the equipment will be borrowed from San Diego and meets the requirement for paper audit trail.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to authorize the partial refund of Appeal Fees [paragraph no. 06-___] was removed from the Consent Calendar for discussion.

Vice Mayor Gilmore stated that she watched the meeting and read the minutes; inquired whether or not she could vote on the minutes, to which the City Attorney responded in the negative.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5. [Note: Vice Mayor Gilmore abstained from voting on the Minutes [paragraph no. *06-___].

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*06-___) Minutes of the Special City Council and Regular City Council Meetings held on April 18, 2006. Approved.

[Note: Vice Mayor Gilmore abstained from voting on the Minutes.]

(*06-___) Ratified bills in the amount of \$4,530,239.69.

(*06-___) Recommendation to authorize Call for Bids for Legal Advertising. Accepted.

(*06-___) Recommendation to accept the Quarterly Investment Report for period ending March 31, 2006. Accepted.

(*06-___) Recommendation to set Hearing to establish Proposition 4 Limit for Fiscal Year 2006-07 for May 16, 2006. Accepted.

(*06-___) Recommendation to Approve Contract Amendment for Library Artist Yuki Nagase. Accepted.

(*06-___) Recommendation to authorize the execution of Landscape

Maintenance Management Contract for the City of Alameda Island City Landscaping and Lighting District 84-2, Zone 5 - Harbor Bay Business Park. Accepted.

(*06-) Resolution No. 13946, "Preliminarily Approving Annual Report Declaring Intention to Order Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 20, 2006 - Island City Landscaping and Lighting District 84-2." Adopted.

(*06-) Resolution No. 13947, "Preliminarily Approving Annual Report Declaring Intention to Order Levy and Collection of Assessments and Providing for Notice of Public Hearing on June 20, 2006 - Maintenance Assessment District 01-01 (Marina Cove)." Adopted.

(*06-) Resolution No. 13948, "Authorizing the City Manager to Apply to the California Integrated Waste Management Board for a Targeted Rubberized Asphalt Concrete Incentive Grant and to Enter Into All Associated Agreements." Adopted.

(06-) Recommendation to authorize the partial refund of Appeal Fees to the Planning Board and to the City Council collected in Fiscal Years 2004-05 and 2005-06.

The Planning and Building Director provided a brief presentation.

Councilmember Matarrese stated that staff came up with an approach to resolve the issue in a fair and equitable manner.

Councilmember deHaan stated a proper decision has been made to provide a refund.

Councilmember Daysog stated other people will be very happy in addition to the three appellants whose fees were reduced; the refund is good news.

Councilmember Matarrese moved approval of the staff recommendation.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 5.

REGULAR AGENDA ITEMS

(06-) Resolution No. 13949, "Approving the Endorsement and Supporting the 2006 California State Library Bond (Proposition 81)." Adopted.

Marilyn Ezzy Ashcraft, Library Building Team, presented the Council with buttons supporting Proposition 81; stated she attended the Annual California Library Association and School Library Association Legislative Day in Sacramento; Proposition 81 is a \$600 million Library Construction and Renovation Bond Act; Proposition 81 is not polling well; the City could benefit from State bond funds to renovate the two branch libraries or build another branch library; noted over 3 million native English speaking Californians are functionally illiterate; urged adoption of the Resolution.

Councilmember Daysog inquired what underlying revenue stream would pay for the Bond.

Ms. Ezzy Ashcraft responded the indebtedness is taken on by the State; stated Proposition 81 has the same structure as Proposition 14.

Councilmember Matarrese stated the New Main Library would not be possible without Proposition 14; support is needed for Proposition 81; the West End has an old branch library and Bay Farm Island has an undersized branch library.

Councilmember deHaan moved adoption of the Resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(06-) Resolution No. 13950, "Supporting a "Buy Alameda" Philosophy." Adopted.

The Acting Assistant to the City Manager provided a brief presentation.

Vice Mayor Gilmore inquired whether the centralization for purchasing goods and supplies is being handled by the Finance Department, to which the Acting Assistant to the City Manager responded in the affirmative.

Councilmember Matarrese inquired whether hiring a buyer was anticipated.

The City Manager responded expanding the responsibilities of existing staff is being considered.

Councilmember Daysog inquired how the 5% preference would work on a \$10,000 purchase.

The Finance Director responded written proposals would be requested

on large purchases; a local vendor would have the advantage if they were within 5% of the lowest bidder.

Councilmember Daysog stated the 5% preference is still competitive.

The Finance Director concurred with Councilmember Daysog.

Mayor Johnson stated local merchants would not have the opportunity to submit proposals if centralizing is not done.

The Finance Director stated local vendors are now being asked whether goods and services can be provided; previously business license printing was sent to a Santa Clara firm; now the Contract has been awarded to a local vendor.

Mayor Johnson inquired whether a workshop will be held with the theme of doing business with the City.

The Finance Director responded in the affirmative; stated the City, including Alameda Power and Telecom and the Housing Authority, is partnering with business associations to provide a workshop entitled "How to Do Business with the City of Alameda."

Mayor Johnson inquired whether there would be a separate workshop for services.

The Finance Director responded goods and services both would be discussed.

Mayor Johnson inquired whether Public Works purchases would be included, to which the Finance Director responded in the affirmative.

Councilmember Daysog stated that he appreciates the emphasis on competition; the 5% preference is reasonable for local businesses.

Councilmember deHaan stated the 5% preference has been in place for quite a while; Contracts have multiple phases; smaller Alameda companies may only be able to fulfill one segment; inquired whether businesses could team together.

The Finance Director responded that the City reviews the proposals and suggests other vendors that may be available to provide the missing piece; stated the City does not provide direction.

Councilmember deHaan stated the City should encourage teaming with other companies; a "Hire Alameda" philosophy is also important; traffic would lessen with a "Hire Alameda" philosophy.

Mayor Johnson suggested moving up the paragraph regarding the City of Alameda being a consumer of local businesses; stated the City is falling short in buying in Alameda despite Municipal Code Section 2-62; the opening paragraph should include a statement regarding the City of Alameda buying locally and promoting Alameda businesses as shopping destinations; language should be added to the last paragraph regarding the Finance Department's efforts to show that the "Buy Alameda" philosophy is not just based on the Alameda Municipal Code; the April check register shows that \$20,340 out of \$4.5 million was spent in Alameda.

The Finance Director stated that \$91,151 was spent locally; \$159,000 was purchased in Alameda County and approximately \$2 million was spent outside Alameda County.

Mayor Johnson stated many goods and services are not available in Alameda; there is a better chance of a business locating in Alameda if businesses know the City will do business locally; the City is trying to provide an incentive for businesses to move to Alameda; \$4.5 million is a lot of public money; she seldom sees outside businesses supporting the City's non-profits.

Councilmember deHaan inquired whether a trend has been seen.

The Finance Director responded in the affirmative; stated the trend does not move positively in one direction; one month may have an increasing proportion of payment to Alameda businesses and the next month may be different.

Councilmember deHaan moved adoption of the Resolution with Mayor Johnson's recommendations.

The Acting Assistant to the City Manager summarized the Mayor's recommendations to move up the paragraph regarding the City of Alameda being a consumer of business, include the City of Alameda buying locally and promoting Alameda businesses as shopping destinations, and include the Finance Department's efforts.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(06-) Resolution No. 13951, "Establishing Guiding Principles for the Management of the City Fleet Vehicles and Equipment." Adopted.

The Public Works Director provided a brief presentation.

Vice Mayor Gilmore inquired whether the Public Works' budget would have a line item for equipment replacement.

The City Manager responded that a separate page would be provided which would summarize all the recommended equipment to be replacement.

Councilmember Daysog stated the Police and Fire Departments have specialized vehicles.

The Public Works Director responded that Public Works would work directly with the Police and Fire Departments to identify special vehicle needs.

Councilmember Daysog inquired whether bio-diesel fuel is possible with the existing fleet.

The Public Works Director responded he has not looked into the matter; electric and hybrid vehicles seem to be viable; hydrogen fuel is being investigated.

Councilmember Daysog requested that bio-diesel fuel alternatives be reviewed.

The Finance Director stated bio-diesel fuel was considered for the standby generators at Alameda Point; the engine needs to be diesel; all of the rubber has to be retrofitted to not ruin the engine.

Councilmember deHaan stated the funding stream becomes very important with expensive vehicles such as a fire truck; obtaining the Navy vehicles helped in some areas; a purchasing procedure is needed; replacement criteria has been established with the Police Department.

Councilmember Matarrese stated that he appreciates the Resolution; the Resolution defines how to get a handle on fleet management; suggested that additional language be added to the Resolution; alternative fuel vehicles need to be identified; the first choice should be electric; the next choice should be hybrid, if electric is not practical; alternative fuel vehicles would be the next choice; the last choice would be status quo; choices need to be spelled out so that there is a decision tree; boats are not on the list; the City has two ferry boats and a fire and police boat.

Mayor Johnson stated the City also has a Trident ship.

Councilmember Matarrese stated a watercraft inventory is needed.

The Public Works Director stated the Police and Fire Department boats are included in the list, the ferry boats are not; he would investigate the Trident ships.

Councilmember Matarrese stated Bay Crossings had an article on the debate of the ability to construct a solar ferry; proposed additional language to the Resolution and rewording of Point D to address order of choices; stated he would rather pay Alameda Power and Telecom for clean fuel than pay the oil companies.

Mayor Johnson stated that she liked the terms of the Resolution; electric vehicles make sense for making trips back and forth from the Base to City Hall; it is important to identify vehicle use to see what type of vehicle is most efficient; other cities have a greater variety of vehicles.

Councilmember Matarrese stated that the University of California at Riverside has a fleet of Gem cars; Gem cars could be used by Building Inspectors, Interoffice Mail and the Library Department.

Councilmember Daysog stated there is general excitement regarding alternative fuels; guiding principles for managing the fleet are before the Council; alternative vehicle discussions would be helpful but should be a separate item.

The Public Works Director stated alternative vehicle discussions have started.

Councilmember Daysog stated that he wants to know why an alternative is practical or impractical at some point.

Councilmember deHaan stated the City declared itself as an electric City in 1996; the City partnered with Calstart to move forward; efforts evaporated in 1999; the commitment was not fulfilled; Alameda Power and Telecom can be the City's leader; electric cars are not being made in the United States; the electric car philosophy should be revisited.

Councilmember Matarrese moved adoption of the Resolution adding the following language: WHEREAS there have been dramatic increases in the cost of gasoline and diesel fuel, and there are anticipated continued long term escalation of these prices due to supply; and WHEREAS the current use of gasoline and diesel fuels have adverse effect on the environment while alternative cleaner fuels such as electricity from Alameda Power & Telecom, bio-diesel, ethanol mix gasoline and compressed natural gas are available; Point 3-D: electric vehicles are the first choice with hybrid vehicles and other alternative fuel vehicles as the second and third choices if

the first or second choice is not practical due to functional requirements.

Councilmember deHaan stated that he was not sure about the proposed priorities; natural gas conversion is one of the methods discussed; approximately one-third of the City's fleet is industrial type vehicles.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 5.

Councilmember deHaan inquired whether establishing the overall fleet inventory issue would be included, to which the City Manager responded in the affirmative.

Councilmember Matarrese inquired whether the electric vehicles would be purchased with the Transportation for Clean Air money.

The Public Works Director responded the Transportation for Clean Air money provides only 20% funding; the funding was changed to Congestion Management Air Quality money which covers 90% funding and has a lower threshold for air emissions.

ORAL COMMUNICATIONS, NON-AGENDA

(06-___) Duane Rutledge, Dublin, stated that he was selected in the Bayport housing lottery; the process has been unclear; the selection, points and evaluation have changed over time; he has been involved in the process for two years; he was told his lottery number is being changed because now the selection committee does not recognize volunteer work in the City as legitimate work; his application was stalled due to staffing problems; he is not receiving clear answers or information on the appeal process.

The Assistant City Manager stated applications were processed by the Alameda Development Corporation which had staff turnover; the City is aware of Mr. Rutledge's situation and will ensure the process is clearly explained and understood.

Councilmember Daysog requested the Council be kept informed.

Vice Mayor Gilmore requested Mr. Rutledge be provided contact information.

The Assistant City Manager stated the Development Services Housing Development Manager is responsible.

Councilmember deHaan requested the City Manager's office be the

point of contact.

Vice Mayor Gilmore requested Council be provided a detailed report on the outcome, what happened, and why it happened.

Councilmember deHaan stated the report should include how other applicants could be affected.

Councilmember Matarrese stated the report should address and provide exhibits of what applicants are told when applying, documentation of the point system, how points can change and what documentation goes with point changes.

The Assistant City Manager stated what applicants were told might be difficult to reconstruct due to ADC staffing changes.

Councilmember Matarrese stated anything in writing should be provided.

Vice Mayor Gilmore stated there should be a system; applicants should receive a handout clearly spelling out the requirements.

The Assistant City Manager stated the City used ADC as a contractor.

Councilmember Matarrese stated there should be contractor performance requirement.

Mayor Johnson inquired whether ADC contracted with the City or the developer, to which the Assistant City Manager responded the City.

Mayor Johnson stated the City should have specifications in place when entering into a contract.

Councilmember deHaan stated the evaluation process should not have changed; consistency is all-important; further requested staff to review the recourse and how applicants appeal the matter to a different level.

(06-) Mark Irons, Alameda, stated that he has concerns about the use of alternative fuels; the process for reviewing use of alternative fuel vehicles should be thorough; questioned whether electric vehicles should be selected over hybrids; hybrids are the fastest way to stop the greenhouse effect.

Mayor Johnson stated the City's electric power is over 80% green; inquired whether Mr. Iron's had concerns with using electric vehicles given Alameda's circumstance.

Mr. Irons responded inspectors driving around the Island in electric vehicles would not be a problem; electric vehicles have limitations; if the country wanted to change fire engines to bio-diesel, it could be done.

Councilmember deHaan requested that Adoption of Resolution Establishing Guiding Principles [paragraph no. 06-] be reopened; stated priorities should not be set completely; the City will use the greenest technology.

COUNCIL COMMUNICATIONS

(06-) Consideration of Mayor's nominations for appointment to the Film Commission.

Councilmember deHaan inquired whether the terms were staggered.

The City Clerk responded the staggering would be done by lottery after nominations are made.

Mayor Johnson nominated: Jeanette L. Copperwaite (Historic Experience); Kenneth I. Dorrance (Retail/Property Management); David J. Duffin (Film/Video Industry); Liam Gray (Arts/Cultural); Orin D. Green (Film/Video Industry); Patricia A. Grey (Film/Video Industry); Tamar Lowell (Water/Marina Based Experience); Theatte (Teddy) B. Tarbor (Community-art-large).

Mayor Johnson stated that committees will be established.

Councilmember deHaan inquired whether the nominated applicants were Alameda residents, to which Mayor Johnson responded in the affirmative.

Councilmember deHaan stated only two commissions allow non-residents; the Charter requires applicants to be residents.

Mayor Johnson stated that all Film Commission categories require Alameda residency; a non-resident can fill the Business Association Executive Director seat if the category cannot be filled by a resident.

Councilmember deHaan stated he leans toward applicants being residents.

Mayor Johnson stated the issue could be considered; she prefers Alameda residents.

Councilmember Daysog stated that existing non-resident Board Members and Commissioners should not be removed from their positions.

Councilmember deHaan requested the City Clerk to review the resident status of other Board Members and Commissioners.

Mayor Johnson stated that the Council can change the Municipal Code; the Code is intended to be flexible.

Councilmember deHaan requested an Off Agenda Report on the matter.

Mayor Johnson stated the matter could be brought back to the Council for discussion.

Councilmember deHaan requested the Council address commission residency requirements.

(06-____) Mayor Johnson reported that she attended the Northern California Power Agency/Northwest Public Power Association Western Federal Policy Conference in Washington D.C.; the conference is an opportunity for small utilities to express their voice in Washington D.C.; Alameda Power and Telecom has to keep up on State and federal policy and legislative issues.

(06-____) Vice Mayor Gilmore stated pending federal legislation regulating cable companies included the Federal Communications Commission (FCC) overseeing trenching in City streets; the proposal takes away local control; requested information; stated the City should be actively lobbying against such regulations.

The City Manager stated lobbying against the regulations was consistent with a resolution Council previously adopted; an update would be provided.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the regular meeting at 9:45 p.m.

DRAFT
MINUTES OF THE SPECIAL JOINT CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY,
AND COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -MAY 2, 2006- -7:31 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 9:46 p.m.

ROLL CALL - Present: Councilmembers / Board Members /
Commissioners Daysog, deHaan, Gilmore,
Matarrese and Mayor/Chair Johnson - 5.

Absent: None.

MINUTES

(06- CC/06- CIC) Minutes of the Special Community Improvement Commission (CIC) Meeting, and the Special Joint City Council, Alameda Reuse and Redevelopment Authority, CIC and Housing Authority Board of Commissioners Meeting held on April 18, 2006. Approved.

Councilmember/Board Member/Commissioner Matarrese moved approval of the minutes.

Councilmember/Board Member/Commissioner deHaan seconded the motion which carried by the following voice vote: Ayes Councilmembers/Board Member/Commissioners Daysog, deHaan, Matarrese and Mayor/Chair Johnson - 4. Abstentions: Vice Mayor/Board Member/Commissioner Gilmore - 1.

AGENDA ITEM

(06- CC/06- CIC) Recommendation to accept the Fiscal Year 2006 Third-Quarter Financial Report and approve Budget Adjustments.

The Finance Director provided a brief presentation.

Vice Mayor/Board Member/Commissioner Gilmore inquired what was the booking fee reimbursement which results in a \$200,000 reduction.

The Finance Director responded that the State appropriates a reimbursement for fees that the City pays to the County for booking prisoners; the State took the reimbursement fee out of the General Fund budget during Fiscal Year 2006; the reimbursement fee will be included in the Fiscal year 2007 budget.

Councilmember/Board Member/Commissioner deHaan moved approval of the staff recommendation.

Councilmember/Board Member/Commissioner Daysog seconded the motion, which carried by unanimous voice vote - 5.

(06- CC/06- CIC) Discussion of City Attorney/General Counsel Legal Services and staffing options. **Not heard.**

ADJOURNMENT

(06- CC) There being no further business, Mayor/Chair Johnson adjourned the special joint meeting in sympathy and respect for the family of Fire Captain Rick Zombeck at 9:49 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

DRAFT
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
WEDNESDAY- -MAY 3, 2006- -6:29 P.M.

Mayor Johnson convened the Special Meeting at 6:46 p.m.
Councilmember Matarrese led the Pledge of Allegiance.

Roll Call - Present: Councilmembers deHaan, Gilmore, Matarrese
and Mayor Johnson - 4.

Absent: Councilmember Daysog - 1.

Agenda Item

(06-) Recommendation to reject the bid, adopt Amended Plans and Specifications in accordance with amended CalTrans requirements, and authorize second call for bids on an expedited basis for the Fernside Pedestrian Access Improvements near Lincoln Middle School (Safe Routes to School), No. P.W. 11-02-15.

The Public Works Director gave a brief presentation explaining the project must be re-bid because CalTrans adopted a new Disadvantaged Business Enterprise (DBE) program.

Mayor Johnson stated that she is disappointed with what CalTrans has done; the City has been caught in the middle; going out to bid again costs the City and contractors; CalTrans should have given notice or a grace period; the City is stuck and has to rebid; suggested the City Manager be directed to send a letter to CalTrans expressing the Council's thoughts and requesting consideration if there are similar changes in the future.

Councilmember Matarrese inquired whether CalTrans provided written authorization to go forward with the plans and specifications when the project went to bid.

The Public Works Director responded the City has an E76 which authorizes the City to bid; the fine print on the form allows CalTrans to make last minute changes.

Councilmember Matarrese requested staff to review whether the form requires CalTrans to notify the City of changes; stated the City should build a case and demand the [cost] difference; the bid numbers are now public; CalTrans is costing the City money; the City should be made whole if CalTrans is obligated to inform the City of changes; the City should present Cal Trans with a bill rather than expressing disappointment.

The Public Works Director stated the City's DBE consultant indicated that approximately 100 cities are in the same position as the City of Alameda.

Mayor Johnson stated the requirements should not change for bids that have already gone out.

The Public Works Director stated staff tried to reason with CalTrans; an April 14 e-mail stated CalTrans was considering the [DBE program] change, but instructed the City not to use sample boiler plate language provided; CalTrans implied there would be a grace period; finding out about the change yesterday was a shock.

Councilmember Matarrese requested that the documentation be provided to the City Manager to start building the City's case.

Vice Mayor Gilmore stated there is nothing to prevent CalTrans from changing regulations again; the letter should explain the position the City was put in by CalTrans and put CalTrans on notice that the City would like accommodations and a grace period in the future.

Councilmember deHaan stated there could be costs involved with the delay in the project or a cost differential in bids; there is an unfair advantage.

Mayor Johnson stated contractors put together bids in good faith; CalTrans causing the City to reject bids is unfortunate for the City and the contractors.

Councilmember deHaan moved approval of the staff recommendation with the direction that the City go forward with a strong rebuttal.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Daysog - 1.]

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 6:58 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

DRAFT

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
WEDNESDAY- -MAY 3, 2006- -6:32 P.M.

Mayor Johnson convened the Special Meeting at 7:45 p.m.

Roll Call - Present: Councilmember deHaan, Gilmore, Matarrese
and Mayor Johnson - 4.

Absent: Councilmember Daysog - 1.

The Special Meeting was adjourned to Closed Session to consider:

(06-) Conference with Legal Counsel - Anticipated Litigation;
Significant exposure to litigation pursuant to Subdivision (b) of
Section 54956.9; Number of cases: One.

(06-) Workers' Compensation Claim; Claimant: Yvette Stairrett;
Agency Claimed Against: City of Alameda.

(06-) Conference with Labor Negotiators; Agency Negotiators:
Craig Jory and Human Resources Director; Employee Organizations:
Alameda City Employees Association, International Brotherhood of
Electrical Workers, and Management and Confidential Employees
Association.

Following the Closed Session, the Special Meeting was reconvened
and Mayor Johnson announced that regarding Conference with Legal
Counsel, Council gave direction to Legal Counsel regarding
disposition of the claim; regarding Workers' Compensation Claim,
direction was given to the Risk Manager regarding the disposition
of a claim; and regarding Conference with Labor Negotiators,
Council received a briefing from its Labor Negotiator.

Adjournment

There being no further business, Mayor Johnson adjourned the
Special Meeting at 9:50 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown
Act.

May 11, 2006

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

<u>Check Numbers</u>	<u>Amount</u>
147992 - 148422	1,309,991.35
E15019 - E15141	76,592.35
EFT 209	595,485.05
EFT 210	6,305,385.11
EFT 211	6,200.00

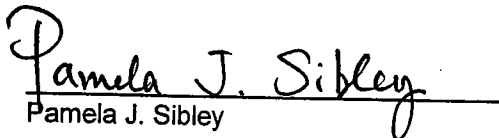
Void Checks:

140988	(749.50)
148043	(44.90)
147127	(466.65)

GRAND TOTAL

8,292,392.81

Respectfully submitted,


Pamela J. Sibley

Council Warrants 05/16/06

BILLS #4-B
05/16/06

CITY OF ALAMEDA
Memorandum

Date: May 16, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Quarterly Sales Tax Report For the Period Ending March 31, 2006

BACKGROUND

This report relates to the sales tax transactions during October through December 31, 2005. These tax transactions are the basis for sales tax revenues received during the January through March 31, 2006, time period. These transactions and resulting revenues occurred within the context of a state economy that continues to grow. During this period, the Bay Area experienced 5.2 percent growth while statewide growth was 6.2 percent.

DISCUSSION/ANALYSIS

The sales transactions for this period increased by 1.9 percent or \$25,860 from the same quarter of the prior year. The key gains were in food products (4.3 percent or \$13,491) and transportation (3.5 percent or \$12,379). The key declines came from construction (-2.9 percent or \$1,567) and miscellaneous (-24 percent or \$1,834). The top 25 businesses represent 47 percent (\$645,000) of the quarter's sales transactions. The top 100 businesses represent 74 percent (\$1,006,862) of the quarter's sales transactions.

Report 4-C
5-16-06

A comparison of the key economic categories follows:

	Total Sales Transactions	4th Quarter 2005		4th Quarter 2004	
Percent Change	Economic Category	Total	Percent of Total	Total	Percent of Total
3.5%	Transportation	\$371,143	27.3%	\$358,764	26.9%
4.3%	Food Products	\$327,362	24.0%	\$313,871	23.5%
0.9%	General Retail	\$325,718	23.9%	\$322,764	24.2%
0%	Business-to-Business	\$273,076	20.1%	\$272,980	20.4%
(2.9)%	Construction	\$52,215	3.8%	\$53,782	4.0%
(11.1)%	Miscellaneous	\$11,934	0.9%	\$13,427	1.0%
1.9%	Total - Quarter	\$1,361,448	100.0%	\$1,335,588	100.0%

The transportation category, while increasing overall, experienced decreases in auto parts/repair and new auto sales. These decreases were more than offset by an increase in Miscellaneous Vehicles (primarily yacht sales) of 67.3% (\$36,755). The business-to-business category experienced no change. However, the decreases in office equipment and electronic equipment were offset by the increases in light industry and leasing.

A comparison of the geographic generation of sales tax for the fourth quarter of 2005 as compared to the same period in 2004 follows.

Percent Change	Total Sales Transactions Geographic Areas	4th Qtr 2005 Total	Percent of Total	4th Qtr 2004 Total	Percent of Total
(8.2)%	Park – North of Lincoln	\$251,326	18.5%	\$273,694	20.5%
(5.4)%	Park – South of Lincoln	\$155,736	11.4%	\$164,641	12.3%
0.4%	Alameda Towne Centre	\$272,720	20.0%	\$271,624	20.4%
4.2%	Webster – North of Lincoln	\$79,847	5.9%	\$76,649	5.7%
(6.8)%	Webster – South of Lincoln	\$30,986	2.3%	\$33,257	2.5%
10.7%	All Other Areas	\$570,833	41.9%	\$515,723	38.6%
1.9%	Total - Quarter	\$1,361,448	100.0%	\$1,335,588	100.0%

It is important to note that Alameda Towne Centre and Park St. both had major construction work in progress during the fourth quarter of 2005.

BUDGET/FISCAL IMPACT

Sales tax revenues received in the third quarter of FY06 as compared to the third quarter of FY05 decreased by five and one half percent. The payments by the State Board of Equalization are advanced based on estimated sales tax reports with a balancing payment at the end of the quarter which creates a lag in reported revenues for the City. The sales tax projections for the 2005-06 Budget have taken into consideration these trends and appear to be on track. We continue to monitor this revenue source closely.

RECOMMENDATION

Accept the Quarterly Sales Tax Report for the period ending March 31, 2006.

Respectfully submitted,



Juella-Ann Boyer
Chief Financial Officer

JB/dl

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CITY OF ALAMEDA

Memorandum

Date: May 16, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita,
City Manager

Re: Recommendation to Allow the City Manager to Enter into a Contract in the amount of \$173,075 with EIP Associates, Inc. for Preparation of an Environmental Impact Report

BACKGROUND

In 2005, the City entered into a City/Developer agreement with Harbor Bay Associates, Inc. for expedited processing and environmental review for a proposed General Plan Amendment/ Rezoning and Development Agreement Amendment.

DISCUSSION/ANALYSIS

In 2004 the City received two responses to a request for proposals for the preparation of the Environmental Impact Report, one from Lamphier & Associates and the other from EIP Associates, Inc. Based on the original proposals, staff selected EIP Associates, Inc. due to their familiarity with noise issues associated with the Oakland International Airport and their lower cost. The processing of the project was suspended while the City and the developer engaged in extended discussion regarding the applicability of the existing Development Agreement to the proposed project. Harbor Bay associates have now elected to proceed with the proposed reimbursement. Staff and the consultant have refined the proposal, which now includes additional noise and traffic analysis.

The contract amount is \$173,075 and includes a scoping session, preparation of the draft and final documents and the mitigation monitoring and reporting program. It is anticipated the environmental review process will be completed by December 2006.

ENVIRONMENTAL REVIEW

This contract is not a project under the California Environmental Quality Act.

**Report 4-D
5-16-06**

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does not affect the Municipal Code.

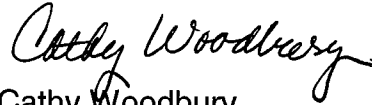
BUDGET CONSIDERATION/FINANCIAL IMPACT

Harbor Bay Associates, Inc. has entered into a City/Developer agreement to reimburse the Planning and Building Department for the contract and associated staff time. No additional funding would be required.

RECOMMENDATION

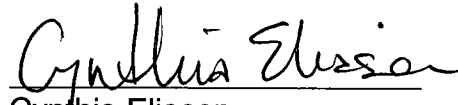
Authorize the City Manager to enter into a contract in the amount of \$173,075 with EIP Associates, Inc.

Respectfully submitted,



Cathy Woodbury
Planning & Building Director

By:



Cynthia Eliason
Supervising Planner

Attachment: Contract

cc: Tim Hoppen, Harbor Bay Associates, Inc.

CONSULTANT AGREEMENT

THIS AGREEMENT, entered into this ____ day of May, 2006, by and between CITY OF ALAMEDA, a municipal corporation (hereinafter referred to as "City"), and EIP Associates, a California corporation whose address is 1200 Second Street, Suite 200, Sacramento, CA 95814 (hereinafter referred to as "Consultant"), is made with reference to the following:

RECITALS:

A. City is a municipal corporation duly organized and validly existing under the laws of the State of California with the power to carry on its business as it is now being conducted under the statutes of the State of California and the Charter of the City.

B. Consultant is specially trained, experienced and competent to perform the special services which will be required by this Agreement; and

C. Consultant possesses the skill, experience, ability, background, certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

D. City and Consultant desire to enter into an agreement for the environmental review of Village 6: Residential Development on North Loop Road, Harbor Bay Business Park upon the terms and conditions herein.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. **TERM:**

The term of this Agreement shall commence on the ____ day of May, 2006, and shall terminate on the 28th day of February, 2007, unless terminated earlier as set forth herein.

2. **SERVICES TO BE PERFORMED:**

Consultant shall perform each and every service set forth in Exhibit "A" which is attached hereto and incorporated herein by this reference.

3. **COMPENSATION TO CONSULTANT:**

Consultant shall be compensated for services performed pursuant to this Agreement in the amount set forth in Exhibit "B" which is attached hereto and incorporated herein by this reference. Payment shall be made by checks drawn on the treasury of the City, to be taken from the Building Services deposit account, GPA04-0002.

4. **TIME IS OF THE ESSENCE:**

Consultant and City agree that time is of the essence regarding the performance of this Agreement. Consultant shall not be responsible for delays which are beyond their reasonable control.

5. **STANDARD OF CARE:**

Consultant agrees to perform all services hereunder in a manner commensurate with the prevailing standards of like professionals in the San Francisco Bay Area and agrees that all services shall be performed by qualified and experienced personnel who are not employed by the City nor have any contractual relationship with City.

6. **INDEPENDENT PARTIES:**

City and Consultant intend that the relationship between them created by this Agreement is that of employer-independent contractor. The manner and means of conducting the work are under the control of Consultant, except to the extent they are limited by statute, rule or regulation and the express terms of this Agreement. No civil service status or other right of employment will be acquired by virtue of Consultant's services. None of the benefits provided by City to its employees, including but not limited to, unemployment insurance, workers' compensation plans, vacation and sick leave are available from City to Consultant, its employees or agents. Deductions shall not be made for any state or federal taxes, FICA payments, PERS payments, or other purposes normally associated with an employer-employee relationship from any fees due Consultant. Payments of the above items, if required, are the responsibility of Consultant.

7. **IMMIGRATION REFORM AND CONTROL ACT (IRCA):**

Consultant assumes any and all responsibility for verifying the identity and employment authorization of all of his/her employees performing work hereunder, pursuant to all applicable IRCA or other federal, or state rules and regulations. Consultant shall indemnify and hold City harmless from and against any loss, damage, liability, costs or expenses arising from any noncompliance of this provision by Consultant.

8. **NON-DISCRIMINATION:**

Consistent with City's policy that harassment and discrimination are unacceptable employer/employee conduct, Consultant agrees that harassment or discrimination directed toward a job applicant, a City employee, or a citizen by Consultant or Consultant's employee or subcontractor on the basis of race, religious creed, color, national origin, ancestry, handicap, disability, marital status, pregnancy, sex, age, or sexual orientation will not be tolerated. Consultant agrees that any and all violations of this provision shall constitute a material breach of this Agreement.

9. **HOLD HARMLESS:**

Indemnification:

Consultant shall indemnify, defend, and hold harmless City, its City Council, boards, commissions, officials, employees, and volunteers ("Indemnitees") from and against any

and all loss, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorneys' fees ("Claims"), arising from or in any manner connected to Consultant's negligent act or omission, whether alleged or actual, regarding performance of services or work conducted or performed pursuant to this Agreement. If Claims are filed against Indemnitees which allege negligence on behalf of the Consultant, Consultant shall have no right of reimbursement against Indemnitees for the costs of defense even if negligence is not found on the part of Consultant. However, Consultant shall not be obligated to defend or indemnify Indemnitees from Claims arising from the sole or active negligence or willful misconduct of Indemnitees.

10. **INSURANCE:**

On or before the commencement of the term of this Agreement, Consultant shall furnish City with certificates showing the type, amount, class of operations covered, effective dates and dates of expiration of insurance coverage in compliance with paragraphs 10A, B, C, D and E. Such certificates, which do not limit Consultant's indemnification, shall also contain substantially the following statement: "Should any of the above insurance covered by this certificate be canceled or coverage reduced before the expiration date thereof, the insurer affording coverage shall provide thirty (30) days' advance written notice to the City of Alameda by certified mail, Attention: Risk Manager." It is agreed that Consultant shall maintain in force at all times during the performance of this Agreement all appropriate coverage of insurance required by this Agreement with an insurance company that is acceptable to City and licensed to do insurance business in the State of California. Endorsements naming the City as additional insured shall be submitted with the insurance certificates.

A. **COVERAGE:**

Consultant shall maintain the following insurance coverage:

(1) **Liability:**

Commercial general liability coverage in the following minimum limits:

Bodily Injury:	\$500,000 each occurrence \$1,000,000 aggregate - all other
Property Damage:	\$100,000 each occurrence \$250,000 aggregate

If submitted, combined single limit policy with aggregate limits in the amounts of \$1,000,000 will be considered equivalent to the required minimum limits shown above.

(2) **Automotive:**

Comprehensive automotive liability coverage in the following minimum limits:

Bodily Injury:	\$500,000 each occurrence
Property Damage:	\$100,000 each occurrence

or
Combined Single Limit: \$500,000 each occurrence

B. SUBROGATION WAIVER:

Consultant agrees that in the event of loss due to any of the perils for which he/she has agreed to provide comprehensive general and automotive liability insurance, Consultant shall look solely to his/her insurance for recovery. Consultant hereby grants to City, on behalf of any insurer providing comprehensive general and automotive liability insurance to either Consultant or City with respect to the services of Consultant herein, a waiver of any right to subrogation which any such insurer of said Consultant may acquire against City by virtue of the payment of any loss under such insurance.

C. FAILURE TO SECURE:

If Consultant at any time during the term hereof should fail to secure or maintain the foregoing insurance, City shall be permitted to obtain such insurance in the Consultant's name or as an agent of the Consultant and shall be compensated by the Consultant for the costs of the insurance premiums at the maximum rate permitted by law and computed from the date written notice is received that the premiums have not been paid.

D. ADDITIONAL INSURED:

City, its City Council, boards and commissions, officers, employees and volunteers shall be named as an additional insured under all insurance coverages, except any professional liability and workers' compensation insurance, required by this Agreement. The naming of an additional insured shall not affect any recovery to which such additional insured would be entitled under this policy if not named as such additional insured. An additional insured named herein shall not be held liable for any premium, deductible portion of any loss, or expense of any nature on this policy or any extension thereof. Any other insurance held by an additional insured shall not be required to contribute anything toward any loss or expense covered by the insurance provided by this policy.

E. SUFFICIENCY OF INSURANCE:

The insurance limits required by City are not represented as being sufficient to protect Consultant. Consultant is advised to confer with Consultant's insurance broker to determine adequate coverage for Consultant.

11. CONFLICT OF INTEREST:

Consultant warrants that it is not a conflict of interest for Consultant to perform the services required by this Agreement. Consultant may be required to fill out a conflict of interest form if the services provided under this Agreement require Consultant to make certain governmental decisions or serve in a staff capacity as defined in Title 2, Division 6, Section 18700 of the California Code of Regulations.

12. PROHIBITION AGAINST TRANSFERS:

Consultant shall not assign, sublease, hypothecate, or transfer this Agreement, or any interest therein, directly or indirectly, by operation of law or otherwise, without prior

written consent of City. Any attempt to do so without said consent shall be null and void, and any assignee, sublessee, hypothecate or transferee shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer. However, claims for money by Consultant from City under this Agreement may be assigned to a bank, trust company or other financial institution without prior written consent. Written notice of such assignment shall be promptly furnished to City by Consultant.

The sale, assignment, transfer or other disposition of any of the issued and outstanding capital stock of Consultant, or of the interest of any general partner or joint venturer or syndicate member or cotenant, if Consultant is a partnership or joint venture or syndicate or cotenancy, which shall result in changing the control of Consultant, shall be construed as an assignment of this Agreement. Control means fifty percent (50%) or more of the voting power of the corporation.

13. **SUBCONTRACTOR APPROVAL:**

Unless prior written consent from City is obtained, only those people and subcontractors whose names and resumes are attached to this Agreement shall be used in the performance of this Agreement.

In the event that Consultant employs subcontractors, such subcontractors shall be required to furnish proof of workers' compensation insurance and shall also be required to carry general, automobile and professional liability insurance in reasonable conformity to the insurance carried by Consultant. In addition, any work or services subcontracted hereunder shall be subject to each provision of this Agreement.

14. **PERMITS AND LICENSES:**

Consultant, at his/her sole expense, shall obtain and maintain during the term of this Agreement, all appropriate permits, certificates and licenses including, but not limited to, a City Business License, that may be required in connection with the performance of services hereunder.

15. **REPORTS:**

A. Each and every report, draft, work product, map, record and other document, hereinafter collectively referred to as "Report", reproduced, prepared or caused to be prepared by Consultant pursuant to or in connection with this Agreement, shall be the exclusive property of City. Consultant shall not copyright any Report required by this Agreement and shall execute appropriate documents to assign to City the copyright to Reports created pursuant to this Agreement. Any Report, information and data acquired or required by this Agreement shall become the property of City, and all publication rights are reserved to City.

B. All Reports prepared by Consultant may be used by City in execution or implementation of:

- (1) The original Project for which Consultant was hired;
- (2) Completion of the original Project by others;
- (3) Subsequent additions to the original project; and/or
- (4) Other City projects as appropriate.

C. Consultant shall, at such time and in such form as City may require, furnish reports concerning the status of services required under this Agreement.

D. All Reports required to be provided by this Agreement shall be printed on recycled paper. All Reports shall be copied on both sides of the paper except for one original, which shall be single sided.

E. No Report, information or other data given to or prepared or assembled by Consultant pursuant to this Agreement shall be made available to any individual or organization by Consultant without prior approval by City.

16. **RECORDS:**

Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts and other such information required by City that relate to the performance of services under this Agreement.

Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to such books and records to the representatives of City or its designees at all proper times, and gives City the right to examine and audit same, and to make transcripts therefrom as necessary, and to allow inspection of all work, data, documents, proceedings and activities related to this Agreement. Such records, together with supporting documents, shall be kept separate from other documents and records and shall be maintained for a period of three (3) years after receipt of final payment.

If supplemental examination or audit of the records is necessary due to concerns raised by City's preliminary examination or audit of records, and the City's supplemental examination or audit of the records discloses a failure to adhere to appropriate internal financial controls, or other breach of contract or failure to act in good faith, then Consultant shall reimburse City for all reasonable costs and expenses associated with the supplemental examination or audit.

17. **NOTICES:**

All notices, demands, requests or approvals to be given under this Agreement shall be given in writing and conclusively shall be deemed served when delivered personally or on the second business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests, or approvals from Consultant to City shall be addressed to City at:

City of Alameda
2263 Santa Clara Avenue
Alameda CA 94501
Attention: Cathy Woodbury, Planning and Building Director

All notices, demands, requests, or approvals from City to Consultant shall be addressed to Consultant at:

John Steere
Senior Project Manager
EIP Associates
353 Sacramento Street, Suite 1000
San Francisco, CA 94111-3621

18. **TERMINATION:**

In the event Consultant fails or refuses to perform any of the provisions hereof at the time and in the manner required hereunder, Consultant shall be deemed in default in the performance of this Agreement. If such default is not cured within a period of two (2) days after receipt by Consultant from City of written notice of default, specifying the nature of such default and the steps necessary to cure such default, City may terminate the Agreement forthwith by giving to the Consultant written notice thereof.

City shall have the option, at its sole discretion and without cause, of terminating this Agreement by giving seven (7) days' prior written notice to Consultant as provided herein. Upon termination of this Agreement, each party shall pay to the other party that portion of compensation specified in this Agreement that is earned and unpaid prior to the effective date of termination.

19. **COMPLIANCES:**

Consultant shall comply with all state or federal laws and all ordinances, rules and regulations enacted or issued by City.

20. **CONFLICT OF LAW:**

This Agreement shall be interpreted under, and enforced by the laws of the State of California excepting any choice of law rules which may direct the application of laws of another jurisdiction. The Agreement and obligations of the parties are subject to all valid laws, orders, rules, and regulations of the authorities having jurisdiction over this Agreement (or the successors of those authorities.)

Any suits brought pursuant to this Agreement shall be filed with the courts of the County of Alameda, State of California.

21. **ADVERTISEMENT:**

Consultant shall not post, exhibit, display or allow to be posted, exhibited, displayed any signs, advertising, show bills, lithographs, posters or cards of any kind pertaining to the services performed under this Agreement unless prior written approval has been secured from City to do otherwise.

22. **WAIVER:**

A waiver by City of any breach of any term, covenant, or condition contained herein shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained herein, whether of the same or a different character.

23. **INTEGRATED CONTRACT:**

This Agreement represents the full and complete understanding of every kind or nature whatsoever between the parties hereto, and all preliminary negotiations and agreements of whatsoever kind or nature are merged herein. No verbal agreement or implied covenant shall be held to vary the provisions hereof. Any modification of this Agreement will be effective only by written execution signed by both City and Consultant.

24. **INSERTED PROVISIONS:**

Each provision and clause required by law to be inserted into the Agreement shall be deemed to be enacted herein, and the Agreement shall be read and enforced as though each were included herein. If through mistake or otherwise, any such provision is not inserted or is not correctly inserted, the Agreement shall be amended to make such insertion on application by either party.

25. **CAPTIONS:**

The captions in this Agreement are for convenience only, are not a part of the Agreement and in no way affect, limit or amplify the terms or provisions of this Agreement.

IN WITNESS WHEREOF, the parties have caused the Agreement to be executed on the day and year first above written.

CONSULTANT

EIP Associates
By [Signature]
Title Vice President

CITY OF ALAMEDA
A Municipal Corporation

By _____
City Manager

RECOMMENDED FOR APPROVAL:

By [Signature]
Cathy Woodbury
Planning & Building Director

APPROVED AS TO FORM:
City Attorney

By [Signature]
Title Asst. City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

SAN FRANCISCO

SS.

On

MAY 09, 2006

Date

before

me,

ANTONIO LOCATELLI, NOTARY PUBLIC

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally

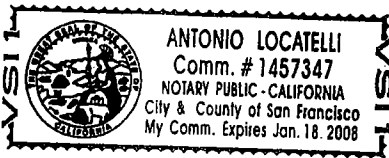
appeared

Name(s) of Signer(s)

JAMES DAMISON KERR

☐ personally known to me

☒ I proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Antonio Locatelli

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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Ms. Cynthia Eliason, Supervising Planner
Mr. John Torrey, Contract Planner
City of Alameda Community Development Department (*Via email*)

April 21, 2006

Proposal for CEQA Services for the Harbor Bay Residential Development on North Loop Road

Dear Cynthia and John:

EIP Associates is pleased to have the opportunity to submit this fifth revised proposal to provide California Environmental Quality Act (CEQA) services for the Harbor Bay Residential Development on North Loop Road in Alameda. This revised proposal is based on our prior knowledge of the project area and comparable projects, five sets consultations with you to refine the scope, and comments recently furnished by the V. Pattel of the City's Public Works Department (March 21). Revisions to the original edition of this proposal and work plan are based on City staff comments and are provided in tracked changes mode for easy comparison. Our extensive experience with similar projects, as well as prior environmental review services for this project, will allow us to complete the necessary documents in a timely, complete, and cost-effective manner.

EIP Associates offers an impressive track record for preparing environmental documents in the San Francisco Bay Area. Our multidisciplinary technical skills including noise and air quality expertise, and our experienced professional staff enable us to deal with a broad spectrum of environmental issues. Since our establishment in 1968, we have been privileged to work on hundreds of projects in the San Francisco Bay Area, many for repeat clients.

EIP has conducted environmental review for multiple housing projects in the San Francisco Bay Area. In the past three years alone, we have completed or are working on a Mitigated Negative Declaration/Environmental Assessment for the HOPE VI Coliseum Gardens residential project in Oakland, a Mitigated Negative Declaration for the Alliance for West Oakland residential project, a Mitigated Negative Declaration for the Mandela Gateway residential project in Oakland, a Supplemental EIR for a residential project at the El Cerrito Plaza Shopping Center, a Mitigated Negative Declaration for Sierra Vista Townhouses in Mountain View, and about ten multifamily residential projects in San Francisco. In addition, we prepared the Lakeshore Avenue Noise Report for Alameda County (examining construction impacts from installation of a replacement pipeline), the BART-Oakland Airport Connector EIS/EIR, and the UCSF Long Range Development Plan EIR that included a proposed Harbor Bay campus site in Alameda. Finally, EIP recently completed a peer review of Noise and Air Quality Analysis for the Airport Development Plan for the Oakland International Airport SEIR, including the proposed project site, and are thus intimately familiar with environmental issues in the project site and vicinity.

Our proposal for the Harbor Bay Residential Development includes a description of the Project Team; Understanding of the Project; Scope of Work; Environmental Review Process; Cost Estimate; and Schedule.

UNDERSTANDING OF THE PROJECT

Harbor Bay Isle Associates is proposing the development of 104 single-family residential units on the north side of North Loop Road. The 12.2-acre site is located on the southwest side of Bay Farm Island in the City of Alameda. The proposed project would consist of 30 by 70-foot lots containing two-story, detached units of approximately 1,800 to 2,600 square feet. Each unit would be equipped with two parking spaces in an enclosed garage, along with visitor parking designed to meet City parking code requirements. Access to the residential units would be provided via private roads extending from North Loop Road. The project would also include a small open space area with children's play equipment.

The project site is located within the Harbor Bay Business Park and is approved for development in compliance with conditions of Planned Development for the Park Portion of Tract 4500, according to the City of Alameda Planning Board Resolution No. 1203 and the City of Alameda Planning Board Resolution No. 1533. The project site is currently zoned Commercial-Manufacturing combined with Planned Development (C-M-PD). As part of the proposed project, the project sponsor would apply for a General Plan Amendment and a zoning change to allow for residential uses on the site.

The project sponsor would also request an Amendment to the 1989 Development Agreement for Harbor Bay Isle, in order to amend entitlements and conditions for the proposed project site that currently stipulate the site for Business Park uses as part of future buildout for all remaining land in Harbor Bay Isle. In addition, the project sponsor would obtain an Amendment to the 1980 Agreement with the Port of Oakland to permit residential uses in an area that was previously restricted to non-residential use, due to its proximity to the Oakland Airport. Lastly, the project would entail obtaining an Amendment to the codes and restrictions of the Harbor Bay Business Park to de-annex the area from the Harbor Bay Business Park.

The site currently consists of 11-parcels and would need to be subdivided to accommodate the 104 residential lots, open space, and private roadways for implementation of the project. Project construction would occur in a single phase following receipt of the necessary planning approvals and building permits.

SCOPE OF WORK

The project sponsor has requested a scope and budget to provide environmental clearance for this project under the California Environmental Quality Act (CEQA) as an Environmental Impact Report (EIR). In accordance with this request, EIP has prepared this scope assuming all environmental topics from the CEQA Environmental Checklist will be addressed, with each topic covering baseline conditions, potential changes to those baseline conditions from adoption of the proposed project, and recommendations to mitigate project-related changes that are considered significant. In addition, the EIR will present and evaluate a reasonable range of project alternatives in order to provide the City with an understanding of the environmental tradeoffs among project alternatives.

Conclusions regarding the potential traffic impacts would be based on the traffic study prepared by Abrams Associates for the project sponsor; and conclusions for acoustic and air quality impacts would incorporate prior review of site air quality and noise conditions completed by EIP for the Oakland Airport SEIR. In addition, other relevant information from the Oakland Airport SEIR and information provided by the project sponsor and the project sponsor's attorney will be integrated where applicable. Major efforts for the EIR will focus on land use changes and general plan policy implications, acoustic impacts, and air quality impacts. We are committed to producing a highly defensible CEQA document, with particular attention to the noise and land use policy impacts as attested by the enclosed work plan.

Preparation of the EIR will include the following tasks, that are keyed to those in the attached cost estimate:

Task 1. Scoping, Startup and Meetings

A kickoff meeting of the project team, including City staff, EIP and Harbor Bay Isle representative(s) team will be held to discuss this scope of work, affirm the key issues, identify data sources, and review the City's procedures for implementing CEQA, including significance criteria, process for administrative reviews, and number of public meetings during the review of the draft document and during approval of the EIR. EIP assumes three additional team meetings throughout the process, for a total of four team meetings.

EIP will also participate in one public scoping meeting, the purpose of which is to give public agencies and the community an opportunity to identify environmental concerns that should be addressed in the EIR. Input from the scoping meeting, in combination with the responses to the Notice of Preparation, will provide direction and priorities for the environmental analyses. .

Deliverables: Scoping meeting; draft and final NOP.

Task 2: Prepare Project Description

Based on a preliminary Project Description and discussions with City staff, and our kickoff meeting, EIP will prepare a draft project description for the project. This description, per CEQA requirements, will address the following topics: Project Location; Project Overview and Background; Project Objectives; Project Characteristics; and Project Approvals.

Deliverables: Draft Project Description

Task 3. Administrative Draft EIR

EIP will prepare an Administrative Draft EIR for review by City staff. The document will be prepared pursuant to the CEQA, the State CEQA Guidelines, and any implementing guidelines from the City of Alameda. The EIR must analyze each issue required by the City at a level adequate to fully assess the potential effects and, if necessary, to develop appropriate mitigation measures to reduce the potential impact to a level of non-significance. As noted by the applicant, an EIR, as compared to an Initial Study/Mitigated Negative Declaration (IS/MND), provides more comprehensive coverage of environmental issues because it documents baseline conditions, considers alternatives to the proposed project, and allows for longer public scrutiny of the draft document. As such, the burden of proof that the document is inadequate lies with project opponents. With an IS/MND, project opponents need only make a “fair argument” that there may be a significant impact to cause the IS/MND to be elevated to an EIR.

The following topics will be discussed in the EIR:

Transportation – A revised Draft Transportation Study will be prepared by Abrams Associates for the proposed project in consultation with the City. EIP will review and summarize the findings of the transportation study (see Transportation Work Plan, Attachment 2), update information as necessary and incorporate all relevant information into the EIR. It is expected that the study will address key intersection levels of service (applying both the City and the Alameda County Congestion Management Agency standards of significance, the latter for facilities of regional significance) for existing conditions, project conditions (including existing conditions plus approved projects plus the proposed project), and future cumulative conditions. In addition, the study should evaluate construction-related impacts, parking impacts, effects on alternative modes of travel (bus, ferry, bicycles, and pedestrian facilities), ingress/egress and internal circulation design issues, and transportation impacts of the various alternatives. Finally, the study should provide traffic input to the air quality and noise analyses by EIP; this would include intersection approach volumes, average daily traffic volumes and speeds along roadways of interest, and fleet mix. Potential mitigation measures should be identified for all potentially significant transportation impacts.

Land Use, Plans and Zoning – EIP will provide a discussion of uses on the project site and in the vicinity and the effects of the proposed land use changes. EIP will identify the General Plan policies applicable to the site and City Planning Code requirements related to the proposed project. The consistency of the proposed project with these policies and regulations will be evaluated. Given that the proposed project would require a General Plan Amendment and would introduce housing into an area traditionally viewed as commercial and light manufacturing, the assessment of the project's direct and indirect effect on future land use will be particularly important. In this vein, it will be necessary to comment on the likelihood for the project to induce other lands in the area to convert to residential uses. As part of this analysis, EIP will also assess the project relative to the applicable policies and standards from the Oakland Airport Land Use Plan, and report on reviews/comments offered by the Airport Land Use Commission. The City's Planning Board has expressed concerns about compatibility of new residential development with existing and proposed light industrial uses including Cheese Works and a Peet's Coffee plant.

Noise – The noise setting will briefly summarize acoustical terminology and the physical characteristics of sound, the nature of environmental noise, and the relevant federal, state and local standards for assessing noise impacts. It will also present information on the existing noise environment on/around the project site gathered through site-specific noise monitoring. The number and duration of the short-term noise measurements taken by EIP will be sufficient to characterize the ambient noise levels on/around the site and to provide calibration data for the traffic noise model. Monitoring locations will be selected based on the location of present and future noise-sensitive receptors (e.g., existing and proposed residences, recreational areas, etc.).

Construction-related activities will be evaluated for their potential to substantially disturb nearby sensitive noise receptors, such as existing residences and schools adjacent to the proposed project site. EIP will quantitatively evaluate potential noise impacts from construction based on the construction schedule/phasing and available data on construction equipment noise generation. Significance will be determined by relating project construction impacts to the requirements of the City's General Plan noise policies and City Noise Ordinance. Measures to minimize construction noise impacts will be proposed.

For the purpose of determining aircraft noise impacts, noise measurements, noise contours, and single-event noise analyses from the Oakland International Airport Development Program SEIR and other relevant studies will be used to characterize existing and future ambient noise conditions in the project area. Similarly, any information on aircraft vibration effects presented in these sources will be summarized. EIP will also review the aircraft noise study conducted for the project sponsor by

Charles M. Salter Associates and will use factual data it presents to supplement information obtained from other sources. No additional noise measurements or computer modeling will be conducted with regard to aircraft noise impacts. Using traffic volumes on the major thoroughfares around the site from the project transportation study, the US Department of Transportation's Traffic Noise Model (TNM) will be used to estimate traffic noise at residential and other noise-sensitive uses in the project area. Potential noise impacts from existing stationary sources of noise in the project vicinity will also be assessed. . The combined noise impacts of vehicles and aircraft will also be evaluated. EIP will use the following specific source documents as references:

- *Oakland International Airport Development Program SEIR (September 2003) and 2006 Oakland Master Plan Noise Studies*
- *Harbor Bay Village Six – Noise Exposure Assessment (Salter Associates Oct. 13, 2005)*
- *Oakland Airport's Analysis of Single Event Nighttime Noise and Sleep Disturbance (Airport Noise Symposium, March 1, 2004)*
- *Quarterly Noise Monitoring Reports (Port of Oakland; available from their website)*
- *Community Noise (World Health Organization 1995)*
- *General Health Effects of Transportation Noise, (US DOT, June 2002)*

We will also refer to other relevant EIRs, noise studies, aircraft noise exposure data from SFO and SJC airports (available from their websites), and records of public complaints for past five years .

Noise levels will be compared to the appropriate federal, state and local noise standards. Information obtained from published scientific research on the short- and long-term public health effects of aircraft noise will also be presented and the expected project aircraft noise levels will be interpreted in the light of such findings. Where significant impacts are found, appropriate mitigation strategies (e.g., sound barriers/berms, increased landscaping buffers, increased sound insulation, alterations to building massing and orientation) will be developed where feasible

Air Quality – The air quality setting will incorporate by reference other air quality sections from recently certified EIRs in the area and summarize regional and local meteorological

conditions, ambient measurements from the nearest air monitoring station, and the state and federal policy and regulatory framework for air quality planning. The impact analysis will consist of a review of effects caused during construction phases; analysis of new emissions caused during occupation and use of the project; and a discussion of potential effects of toxic air contaminants associated with airport operations. The Oakland Airport SEIR and peer review of the SEIR air quality analysis will be used to discuss the potential effects of toxic air contaminants on future residents as a result of airport equipment.

In all cases, the method of analysis and selection of significance thresholds will rely on methodologies that are documented in the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines, revised in 1999. Estimates of the new motor vehicle emissions associated with project trips will be prepared using the Abrams Associates final transportation study and the Air Resources Board's URBEMIS 2002 model. This model will provide a quantitative assessment of project emissions of carbon monoxide (CO), small particulate matter, and oxides of nitrogen (a precursor to ozone) from all motor vehicle trips generated by the project. The results will be compared to the BAAQMD's quantitative thresholds for significant impacts.

An analysis of local ambient carbon monoxide impacts will also be conducted (if heavily congested traffic would occur; that is, if intersection levels of service were at LOS D or worse). Up to four intersections would be evaluated for changes in ambient CO concentrations for the 1-hour and 8-hour averaging periods (fewer than four intersections would be studied if fewer intersections are projected at LOS D; if more than four intersections are projected to operate at LOS D or worse, the four worst intersections in terms of critical volumes, delays, and proximity to sensitive receptors would be assessed). The projection of future CO concentrations at nearby intersections will be derived using the state-approved CALINE4 air dispersion model. The results will be compared to state and federal ambient air quality standards for CO.

Aesthetics – EIP will describe the visual setting in the project vicinity, focusing on existing views from residences and schools adjacent to the proposed project site. Photographs will be used to characterize the visual setting and development pattern in the project area. The City's General Plan will be consulted to identify any significant viewsheds or scenic corridors in the project vicinity. Given the pending development of Business Park uses in the surrounding area, the project would not be expected to significantly change or impede view corridors or vistas from public areas. This characterization will be documented in the EIR and substantiated with site visits and information from existing data developed for the project area.

Cultural Resources – The EIR will discuss the potential for the proposed project to disturb prehistoric, historic archeological, and historic resources based on data from previous EIRs for the area. The Northwest Information Center at Sonoma State will be consulted for an archival and literature search of potential cultural resources in the vicinity.

The EIR will propose standard mitigation measures to address the accidental discovery of cultural resources during project construction.

Hazardous Materials – On the basis of information available from the City of Alameda and previous EIRs completed in the project vicinity, the EIR will discuss the potential for public health risks at the site from groundwater or soil contamination from past and existing land uses and/or poor hazardous materials "housekeeping" practices at the site or from nearby uses. This information will be augmented by any Phase I environmental site assessments that may have been prepared for the project site and can be made available to EIP. In addition, EIP will consult the State Cortese list to identify whether there are any hazardous waste disposal facilities in the vicinity that could expose future project site residents to public health impacts.

As required by the CEQA Environmental Checklist, this section of the EIR will also address potential safety impacts from aircraft operations at the nearby Oakland Airport. The Airport Land Use Plan and the Airport Master Plan SEIR contain discussions of airport safety zones and suitable land uses in the vicinity of the airport; these discussions will be summarized in the EIR.

Geology and Soils – The EIR will evaluate soil conditions in the project area based on readily available information from the City of Alameda, the California Geological Survey, and previous EIRs completed in the project area. The Geology and Soils section would also include a discussion of regional seismic hazards related to the San Francisco Bay Area and to localized seismic hazards affecting Alameda, such as liquefaction and settlement. Development standards contained in the California Building Code serve to assure an acceptable level of risk in areas subject to seismic or geotechnical hazards. Furthermore, geological reports required of subdivisions recommend detailed measures to address site-specific soil and geotechnical conditions; these measures are typically included as conditions of project approvals. The combination of adherence to the California Building Code and incorporation of geologic report recommendations as conditions of project approval serve to mitigate most, if not all, potential soil, geotechnical, and seismic risks.

A statement regarding the absence of farmland and the absence of suitable agricultural soils, based on the County's Farmland Mapping Program, will be included to acknowledge that the proposed project would not result in the loss of farmlands, the conversion of agricultural soils, or the premature conversion of lands under Williamson Act land contracts.

Water Resources/Quality – The EIR will evaluate hydrologic conditions in the project area based on readily available information from the City of Alameda, the Regional Water Quality Control Board, East Bay Municipal Utility District, and previous EIRs completed in the project area. The Water Resources and Water Quality section would also include a discussion of flood hazards from storms and tsunami run-ups, based on information from

the Federal Emergency Management Agency, ABAG, and the Office of Emergency Services. Changes in the site's impervious surface characteristics will be identified and estimates of stormwater runoff will be developed. Since stormwater drainage facilities are already in place in the project area, stormwater capacity will be documented and compared to the additional runoff that would be attributable to the proposed project. Potential impacts to water quality from construction activities and pollutant loading in the stormwater runoff will also be discussed. The National Pollutant Discharge Elimination System permitting requirements that call for preparation of a Stormwater Pollution Prevention Plan that incorporates Best Management Practices will be presented and are expected to reduce potential water quality impacts to less than significant. In addition, EIP will document and compare stormwater capacity along North Loop Road, assuming that supportive documentation is available. We will also discuss pertinent RWQCB "c3" requirements and will provide treatment mitigation measures to ensure compliance with these requirements (per the City's O&M agreement for Urban Runoff) to the extent that site specific design information is available.

Biological Resources – Given previous environmental review of resources on the site, wetlands and endangered/threatened species are not likely present. Data from previous EIRs completed in the project area, a site visit by a qualified biologist, and appropriate consultations with the resource agencies, the California Native Plant Society, and the Audubon Society will form the basis for the biological setting. To the extent that the project site contains trees, the State Fish and Game Code provisions to protect birds and nests and the Migratory Bird Treaty Act will be summarized. Potential impacts to birds covered by these laws and regulations, as well as to trees that might be protected by local preservation ordinances will be presented, along with appropriate mitigation measures.

Population and Housing – A brief discussion of the City's demographic profile will be presented. The change to the existing population base and the current housing stock as a result of the proposed project will be described. Particular emphasis will be placed on the extent to which the project may directly or indirectly induce substantial growth into this area of the City.

Public Services – The proposed project involving 104 single family residential units at the site would increase demand for public services, particularly for fire protection services, police services, schools, libraries, parks and other community facilities. EIP planners will interview the local service providers to identify existing service levels, proposed improvements to existing public facilities, and factors to estimate future public service demand. The estimates of demand will be reviewed with the service providers to determine the need for new or altered facilities, the construction of which could pose a significant environmental impact.

Utilities – The proposed project involving 104 single family residential units at the site would increase demand for public utilities, particularly for water, wastewater, solid waste,

and gas and electricity. EIP planners will interview the local utilities (i.e., East Bay Municipal Utility District, Alameda County Waste Management, and Pacific Gas & Electric) to identify existing service levels, proposed improvements to the existing infrastructure, and factors to estimate future utility demand. The estimates of demand will be reviewed with the utilities to determine the need for new or altered facilities, the construction of which could pose a significant environmental impact. Sanitary Sewage, flow quantity contributor versus existing zoning usage (Harbor Bay Business Park) will be compared.

Other CEQA Topics – As required by the CEQA Guidelines, the discussion in this section of the EIR will address significant and unavoidable effects, cumulative effects, growth-inducing effects, and effects found not to be significant.

Alternatives – CEQA requires an assessment of project alternatives that can reduce potentially significant effects identified for the proposed project and feasibly attain most of the project objectives. The determination of these alternatives is appropriate once the initial assessment is complete, and there is an understanding of those impacts that are considered significant. It is reasonable to assume that there will be a reduced project alternative that recommends fewer units. An environmentally responsive alternative may be considered that weighs multi-family residential development to reduce the footprint of urbanization and potential re-design elements that may reduce project noise impacts. Finally, CEQA requires that a No Project Alternative be evaluated, which assumes that the general plan designation and zoning remain the same and that the site would be developed as a business park. For purposes of the cost estimate, four alternatives, including 1) a No Project Alternative, 2) a reduced development alternative, 3) a mixed use alternative, and a 4) Noise and Site Responsive Alternative have been assumed..

Deliverables: Ten (10) copies of the ADEIR with appendices and an electronic version of the same.

Task 4. City Staff Review/Draft EIR

The Administrative Draft EIR prepared pursuant to Task 2 will be forwarded to City staff for their review and comment. EIP will revise the document to address staff's comment and prepare a screencheck City staff review. This version will include the Summary, which will not be included as part of the Administrative Draft. Following incorporation of staff's final revisions, EIP will prepare a camera-ready public review Draft EIR in hard copy and in digital format on a CD for printing and distribution by the City. Appendices that are typically attached include the NOP and responses to the NOP and various technical studies that the City feels is important for the public and the decisionmakers to have readily available for review.

Deliverables: 50 bound copies and one copy ready master of the DEIR with appendices and an electronic version of the same.

Task 5. Public Review and Public Hearing

Following release of the Draft EIR, a minimum 45-day review period is required to permit citizens and agencies with an opportunity to comment on the document. During or shortly after the review period, it is expected that the City will hold a public meeting to receive comments on the Draft EIR. At the public meeting, EIP Associates will be available to make a brief presentation, supporting staff's report to the Planning Commission, and to respond to questions from the Commissioners.

Task 6. Administrative Draft Responses to Comments

EIP will prepare responses to comments received during the public review period. The "Responses to Comments" document will contain sections introducing the purpose of the report, listing the written and oral commentors, reproducing the comments and offering responses, and identifying revisions to the Draft EIR, if necessary. EIP will assume primary responsibility for drafting the responses, although Abrams Associates will address most of the transportation-related comments and the City may be asked to assist with policy or procedural comments.

Deliverables: Ten (10) copies of the AFEIR and an electronic version of the same.

Task 7. City Review/Final Responses to Comments

The Administrative Draft Responses to Comments will be provided to City staff for review and comment. Based on staff's comments, the responses will be finalized. This document combined with the Draft EIR constitutes the Final EIR; EIP does not intend to reproduce the Draft EIR with the modifications in response to comments incorporated. EIP will provide the City with a camera-ready hard copy and a digital version on a CD for printing and distribution. It is expected that the City will perform all the necessary noticing and filings.

Deliverables: 50 bound copies and one copy-ready master of the FEIR with appendices and an electronic version of the same.

Task 8. Certification Hearings and Mitigation Monitoring Plan

It is assumed that EIP will attend up to two public meetings (one before the Planning Commission and one before the City Council) to approve the environmental document.

As part of the project approval, a Mitigation Monitoring and Reporting Program (MMRP) must be prepared. EIP will prepare this program in a tabular format, identifying the proposed mitigation measures from the Final EIR, monitoring actions to ensure that the measures are implemented, the party(s) responsible for implementing the mitigation measure, and the timeframe or milestone by which time the measure shall be implemented.

Deliverables: One copy ready master of the MMRP and an electronic version of the same.

Task 9. Team Meetings throughout the Process

EIP will attend up to four team meetings with the City staff and with other member of the project team to discuss project issues, milestones, schedule or strategy. EIP and City staff will determine the exact timing of project meetings.

Task 10. Project Management and QA/QC

The Project Manager will be responsible for project coordination activities and will maintain QA/QC requirements for document preparation, and will monitor schedule and performance for all EIR work tasks. Project management subtasks also include maintaining internal communications among EIP staff and subconsultants and with the Client and other team members through emails and frequent phone contact, as well as the preparation of all correspondence. He will coordinate internal staff responsibilities, project guidance and analysis criteria. Subtasks also include project administration activities.

COST ESTIMATE

We are providing the City with this fourth revised cost estimate for the EIR. We have discussed with City staff revisions to the October 2005 work plan that centered on providing a more robust noise, land use, water resources/quality, and alternatives analysis. We also noted that the prior scope lacked a project management task and cost estimate. Revisions to the prior scope relative these issues are shown in tracked changes mode in this letter and by highlighted cells in the enclosed Cost Estimate.

Assumptions: The amount of time and effort required for the project still depends on a number of variables, some of which are outside of EIP's control. For example, the length of time the City staff takes to complete their review could reduce or extend the project timeline. Similarly, changing the project description or introducing new issues mid-project can also affect time and cost. Cost assumptions are provided below.

- The scope of the environmental document will be consistent with the issues discussed in this proposal.
- The project description is firm and unchanged during the preparation of the EIR.

- Camera-ready graphics for the project description are provided by the project applicant.
- EIP will attend up to four team meetings with the City, with the client and its representatives, are assumed in our estimated cost. Additional meetings will be provided on a time-and-materials basis as needed.
- Discussions with City staff leading up to the delivery of the administrative drafts sufficiently inform staff of the key issues, the analytic methodology, significant criteria, and results, such that staff reviews do not involve substantive revisions.
- City staff will be responsible for producing, noticing, and distribution of documents.
- The public review process will involve a moderate level of comment (up to 50 discrete, non-repeating comments) focused on key issues.
- Only those aircraft noise data/issues specifically identified in this scope of work will be evaluated. If requests are received for consideration of additional issues or data, a scope augmentation will be requested.
- EIP will attend three public meetings and one scoping session.

We are confident that we can continue to maintain a cost-effective approach to the project.

SCHEDULE

The Administrative Draft EIR can be produced within three months of notice to proceed and provision of a complete project description to EIP. Assuming a two-week review period by City staff of the Administrative Draft EIR, the Draft EIR will be published within four weeks of City staff comments. (This period includes the production and review of the screencheck draft.) Following the 45-day review period, the Administrative Responses to Comments document will be provided to staff within three weeks provided that the assumption about the number of comments is reasonable. Assuming a two-week review period by City staff of the Administrative Responses to Comments, the Final EIR is projected to be completed within three weeks of receipt of staff comments. Public meetings to certify the EIR could occur with one month. The entire process, assuming things progress smoothly, would be completed in approximately nine months.

Thank you for the opportunity to prepare this proposal. We are looking forward to working with your team in the coming months. Please feel call us if you have any questions.

Sincerely,

City of Alameda
April 21, 2006
Page 14

John Steere
Senior Project Manager

Attachments (Budget spreadsheet and schedule)

CC: Charles Abrams.

Harbor Bay Residential Development on North Loop Road EIR (Village 6)										Revised scope/items shown by highlights	
Cost Estimate and Assumptions (5th Revised: 4-21-06)										Green: reduced budget; Yellow: Increased	
		Project Director	Project Manager	Senior Scientist (Noise/AQ hydrologist)	Environmental Professional	Associate Scientist Biology	Administrative II Word Processing	Administrative II Graphics/Support	Hours Per Task	Cost Per Subtask	Cost Per Task
Task 1	Project Start-up, Plan and participate in EIR Scoping Meeting	2 2	12 10	2	4	2			22 12	\$ 2,850 \$ 1,720	\$ 4,570
Task 2	Project Description	4	12		24				40	\$ 4,360	\$ 4,360
Task 3	Administrative Draft EIR										\$ 60,880
	Noise		2	66	58				126	\$ 14,450	
	Air Quality		2	28	20				50	\$ 5,900	
	Traffic		16						16	\$ 2,240	
	Land Use		8		30				38	\$ 3,670	
	Visual Quality		2		24				26	\$ 2,320	
	Cultural Resources		2		16				18	\$ 1,640	
	Biology		2			16			18	\$ 2,120	
	Geology		2	4	20				26	\$ 2,540	
	Hydrology		2	24	20				46	\$ 5,340	
	Community Services		2		16				18	\$ 1,640	
	Utilities		2	2	24				28	\$ 2,600	
	Other Topics		4		12				16	\$ 1,580	
	Alternatives		24	4	12			12	52	\$ 5,900	
	Internal Review/Production	2	20		12		36	24	94	\$ 8,940	
Task 4	Public Review Draft Screencheck based on City Comments Draft EIR	2 4	24 8	8 2	24 4		32	8 2	98 20	\$ 10,040 \$ 2,540	\$ 12,580
Task 5	Public Review and Public Hearing	8	12						20	\$ 2,960	\$ 2,960
Task 6	Administrative Responses to Comments Bracket/assign comments Draft Responses Internal Review/Production	4 2	4 20 16		20 20 20			12	40 72 62	\$ 3,860 \$ 9,020 \$ 6,140	\$ 19,020
Task 7	Final EIR	4	12	8	16		20	2	62	\$ 6,560	\$ 6,560
Task 8	Certification/Hearings/MMRP Hearings (2) MMRP	8 2	12 6						20 24	\$ 2,960 \$ 2,500	\$ 5,460
Task 9	Team Meetings Throughout Process	8	16						24	\$ 3,520	\$ 3,520
Task 10	Project Management (15-20% of labor budget)	16	150						166	\$ 23,560	\$ 23,560
	Total Hours	68	404	180	408	18	112	64	1254	\$ 143,470	
	Hourly Rate	\$ 160	\$ 140	\$ 140	\$ 85	\$ 115	\$ 80	\$ 80			
	Total EIP Labor	\$ 10,880	\$ 56,560	\$ 25,200	\$ 34,680	\$ 2,070	\$ 8,960	\$ 5,120		\$ 143,470	\$ 143,470
Expenses	Supplies/Copies/Miscellany Printing NW Info Ctr.									2,146 2,269 500	\$ 4,915
Consultants	Abrams and Associates									\$ 22,000	\$ 22,000
	EIP Administration Fee (15%)										\$ 2,690
	Total Budget										\$ 173,075

EIP ASSOCIATES

HOURLY BILLING RATES AND JOB CLASSIFICATIONS

Principal	\$160 - \$240/hour
Technical Director / Program Manager	\$150 - \$190/hour
Senior Manager / Senior Scientist /Senior Engineer Senior Planner / Senior Administrator	\$110 - \$155/hour
Associate Manager / Associate Scientist / Associate Planner / Associate Administrator	\$85 - \$120/hour
Environmental Professional / Planner / Scientist / Administrative	\$65 - \$95/hour
Technician/Analyst / Clerical	\$45 - \$60/hour
Mileage is charged at	\$.445/mile
Photocopies are charged at	\$.15/page

Direct costs (i.e., travel, meals, lodging, auto rentals, printing, graphic materials, specialized computer charges, etc.) and subcontractor fees are subject to a 15% administration charge.

1. This schedule is effective from January 1, 2006 to March 31, 2007, and subject to revision thereafter.
2. Invoices will be submitted by Consultant monthly. Client will notify Consultant, in writing, of any objections to an invoice within ten (10 days) of the date of invoice. Otherwise, the invoice shall be deemed acceptable by the Client. Amounts indicated on invoices are due and payable immediately upon receipt. The Client's account will be considered delinquent if Consultant does not receive full payment within thirty (30) days after the invoice date.
3. A service charge will be applied at the rate of 1.0 percent per month (or the maximum rate allowable by law) to delinquent accounts. Payment thereafter will be applied first to accrued interest and then to the principal unpaid by the Client.
4. EXPERT TESTIMONY. For situations requiring expert testimony, services will be provided at 1.5 times the standard hourly rates listed, with a minimum of four hours. Time spent in preparation and review of testimony will be charged at standard rates.

CITY OF ALAMEDA

MEMORANDUM

Date: May 16, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Appropriate \$16,000 from the Curbside Recycling Fund and Award
A Contract in the Amount of \$72,582, Including Contingencies, to AJW Construction for
Installation of Rubberized Sidewalks, No. P.W. 02-06-05

BACKGROUND

On March 21, 2006, the City Council adopted plans and specifications and authorized call for bids for Installation of Rubberized Sidewalks, No. P.W. 02-06-05. The project consists of the installation of 3,950 square feet of rubberized sidewalk at 29 locations throughout the City, where roots from the street tree have raised the concrete sidewalk.

DISCUSSION

To solicit the maximum number of bids and the most competitive prices, specifications were provided to 18 separate building exchanges throughout the Bay Area. In addition, a notice of bid was published in the *Alameda Journal*. Bids were opened on Thursday, April 20, 2006. Bidders for the lowest to the highest for total project cost is as follows:

Bidder	Location	Bid Amount
AJW Construction	Oakland, CA	\$69,125.00
Sposeto Engineering, Inc.	Union City, CA	\$76,630.00
J.A. Gonsalves & Son Construction, Inc.	Napa, CA	\$82,950.00
J.J.R. Construction, Inc.	San Mateo, CA	\$84,727.50

Staff recommends that the contract be awarded to AJW Construction for a total cost of \$72,582, including a five percent contingency. The City will purchase the material for \$34,125 and supply it to the contractor for their use. The total cost for the project is estimated at \$110,000, including \$3,293 for staff inspection and contract administration. This contract is on file in the City Clerk's Office.

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

The project is budgeted as CIP# 82-02 with \$94,000 available from a Recycled Product Purchase grant administered by the County of Alameda. The additional \$16,000 required to fully fund the project is available in the Curbside Recycling Fund (Fund 273).

Report 4-E
5-16-06

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action will not affect the Municipal Code.

RECOMMENDATION

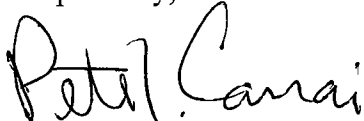
Appropriate \$16,000 from the Curbside Recycling Fund and award a contract in the amount of \$72,582, including contingencies, to AJW Construction for installation of rubberized sidewalks, No. P.W. 02-06-05.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director

Prepared by,



Pete J. Carrai
Public Works Superintendent

MTN:PC:gc

CITY OF ALAMEDA MEMORANDUM

Date: May 16, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Award Contract in the Amount of \$436,000, Including Contingencies, to SpenCon Construction, Inc for Fiscal Year 2005-06 Repair of Portland Cement Concrete Sidewalk, Curb, Gutter, Driveway and Minor Street Patching, No. P.W. 03-06-06 and Authorize the City Manager to Execute up to Four Additional Contract Extensions

BACKGROUND

On March 21, 2006, the City Council adopted plans and specifications and authorized call for bids for Fiscal Year 2005-06 Repair of Portland Cement Concrete Sidewalk, Curb, Gutter, Driveway and Minor Street Patching, No. P.W. 03-06-06. The project will provide 7,500 linear feet of sidewalk related repairs and improvements throughout the City, where roots from the street tree have raised the concrete sidewalk, including a pilot program to develop a comprehensive approach to repair sidewalk, curb, gutter, street restoration, and root pruning of street trees. The bid documents also included "Add Alternate A" to determine a cost for the removal of five street trees, should the pilot program determine tree removal was required to adequately repair the sidewalk and any tree to be removed would be replaced by the City.

DISCUSSION

To solicit the maximum number of bids and the most competitive prices, specifications were provided to 18 separate building exchanges throughout the Bay Area. In addition, a notice of bid was published in the *Alameda Journal*. Bids were opened on Thursday, April 27, 2006. Bidders for the lowest to the highest for total project cost is as follows:

Bidder	Location	Base Bid	Add Alternate A	Total Bid Amount (Base + Add Alt. A)
SpenCon Construction, Inc.	Foster City	\$396,235	\$7,280	\$403,515
Sposeto Engineering, Inc.	Union City	\$689,815	\$3,600	\$693,415

Staff recommends that the contract be awarded to SpenCon Construction, Inc., for the base bid only, for a total price of \$436,000, including a 10% contingency. Award of "Add Alternate A" is not recommended. The contract is on file in the City Clerk's Office. As with the previous

Report 4-F

5-16-06

annual sidewalk repairs project, the construction contract for this project allows the City Manager to authorize up to four contract extensions, with an automatic adjustment for inflation, based on the satisfactory performance of the Contractor. The ability to extend the construction contract will enable the City to expedite sidewalk repairs as funds become available.

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

The project is budgeted as CIP# 82-02, with funds available in the Fiscal Year 2005-06 capital improvement budget.

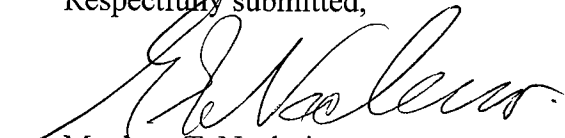
MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action will not affect the Municipal Code.

RECOMMENDATION


Award contract in the amount of \$436,000, including contingencies, to SpenCon Construction, Inc. for Fiscal Year 2005-06 Repair of Portland Cement Concrete Sidewalk, Curb, Gutter, Driveway and Minor Street Patching, No. P.W. 03-06-06 and authorize the City Manager to execute up to four additional contract extensions, with an automatic adjustment for inflation, based on the satisfactory performance of SpenCon Construction, Inc.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director

Prepared by,



C.W. Chung
Associate Civil Engineer

MTN:CC:gc

CITY OF ALAMEDA
MEMORANDUM

Date: May 16, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Resolution to Request Allocation by Metropolitan Transportation Commission of \$219,186 in Transportation Development Act (TDA) Article 3 Funding for the Fernside Boulevard Pedestrian Access Improvements Near Lincoln Middle School (Safe Routes to School), No. P.W. 11-02-15

BACKGROUND

On May 3, 2006, the City Council adopted amended plans and specifications and authorized call for bids for Fernside Boulevard Pedestrian Access Improvements Near Lincoln Middle School (SR2S), No. P.W. 11-02-15. The project consists of construction of landscaped planter extensions to replace the existing flexible orange traffic delineators, extension of bike lanes from Encinal Avenue to Washington Street, elimination of existing right turn and concrete median at the southwest corner of Fernside Boulevard intersection with Encinal Avenue, installation of in-pavement lights at the school crosswalk across Fernside Boulevard at San Jose Avenue, construction of sidewalk and corner extensions including new wheelchair ramps and truncated domes at new corner extensions, installation of new irrigation system, reconstruction of the failed areas including grinding and overlay with asphalt concrete of Fernside Boulevard from the Encinal Avenue intersection to Washington Street, and traffic signal relocation at the southwest corner of Encinal Avenue intersection with Fernside Boulevard.

DISCUSSION

The Fernside Boulevard Pedestrian Access Improvements Near Lincoln Middle School project is included in the Metropolitan Transportation Commission's (MTC) list of final projects for Transportation Development Act (TDA), Article 3 funding. This funding source is available for projects that benefit pedestrians and bicyclists. Public Works staff has reviewed the project scope and determined that approximately forty percent of the project will exclusively benefit pedestrians and bicyclists and recommends that the City request allocation of \$219,186 from our TDA Article 3 allocations. A resolution is required for this allocation request.

Re: Reso 4-G
5-16-06

ENVIRONMENTAL COMPLIANCE

The project has been determined to be Categorically Exempt from California Environmental Quality Act in accordance with CEQA Section 15301 minor changes to existing facilities

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

This project is funded under CIP 02-98, with funds available from a Safe Routes to School grant and Measure B funds. Transportation Development Act (TDA), Article 3 funds will provide additional funding required for the project.

RECOMMENDATION

Adopt a resolution to request allocation by Metropolitan Transportation Commission of \$219,186 in Transportation Development Act (TDA) Article 3 funding for the Fernside Boulevard Pedestrian Access Improvements Near Lincoln Middle School (Safe Routes to School), No. P.W. 11-02-15.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director

Prepared by,



Barbara Hawkins
City Engineer

MTN:BH:gc

CITY OF ALAMEDA RESOLUTION NO. _____

REQUESTING ALLOCATION BY METROPOLITAN TRANSPORTATION COMMISSION OF \$219,186 IN TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDING FOR THE FERNSIDE BOULEVARD PEDESTRIAN ACCESS IMPROVEMENTS NEAR LINCOLN MIDDLE SCHOOL (SAFE ROUTES TO SCHOOL), NO. P.W. 11-02-15

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 875, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the **CITY OF ALAMEDA** desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda:

1. that the **CITY OF ALAMEDA** declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code;
2. that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the **CITY OF ALAMEDA** to carry out the project;
3. that the **CITY OF ALAMEDA** attests to the accuracy of and approves the statements in Attachment A to this resolution; and
4. that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of **COUNTY OF ALAMEDA** for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

* * * * *

Resolution #4-G CC
5-16-06

Approved as to Form

CITY ATTORNEY

Attachment A

REQUESTING ALLOCATION BY METROPOLITAN TRANSPORTATION COMMISSION OF \$219,186 IN TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDING FOR THE FERNSIDE BOULEVARD PEDESTRIAN ACCESS IMPROVEMENTS NEAR LINCOLN MIDDLE SCHOOL (SAFE ROUTES TO SCHOOL), NO. P.W. 11-02-15

Findings

1. That the **CITY OF ALAMEDA** is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the **CITY OF ALAMEDA** legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the **CITY OF ALAMEDA** has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the **CITY OF ALAMEDA** within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in Attachment B that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B are ready to commence implementation during the fiscal year of the requested allocation.
11. That the **CITY OF ALAMEDA** agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B

TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2006/2007 Applicant: City of Alameda

Contact person: Barbara Hawkins

Mailing Address: 950 West Mall Square, Room 110, Alameda, Ca 94501

E-Mail Address: Bhawkins@ci.alameda.ca.us

Telephone (510)749-5863

Secondary Contact (in event primary not available) Wali Waziri

E-Mail Address: wwaziri@ci.alameda.ca.us

Telephone: (510) 749-5853

Short Title Description of Project: Fernside Boulevard Pedestrian Access Improvements Near Lincoln Middle School

Amount of claim: \$ 219,186

Functional Description of Project:

Pedestrian's access and safety to Lincoln Middle School and surrounding neighborhood will be improved by creation of wider sidewalk, corner extensions, and installation of new in-pavement lights on Fernside Boulevard at San Jose Avenue. Similarly deletion of the free right turn and the island at the southwest corner of Fernside Boulevard intersection with Encinal Avenue enhances the pedestrian and bicyclists safety and better vehicular maneuverability at this location. Bike lanes addition to both sides of Fernside Boulevard between Encinal Avenue and Washington Street provides for the bicyclists safety and bike lanes continuity. Overall, the project will significantly enhance pedestrians and bicyclists access and circulation.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, environmental, engineering, right-of-way, construction, inspection, contingency, audit). Use the table below to show the project budget. Include prior and proposed future funding of the project. If the project is a segment of a larger project, include prior and proposed funding sources for the other segments.

Project Elements: TDA funding is requested for the construction elements of the project

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$219,186			\$219,186
list all other sources:					
1. SR2S	\$331,663				\$331,663
2. Measure B	\$156,851				\$156,851
Totals	\$ 488,514	\$219,186			\$707,700

Project Eligibility:	YES?/NO
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	YES
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	YES
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	YES
D. Has the project been reviewed by a Bicycle Advisory Committee? (If "NO," provide an explanation).	YES
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	YES
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) September 2006	YES
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	YES

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

Memorandum

To: The Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Date: May 16, 2006

Re: Resolution of Intention to Levy an Annual Assessment on the Alameda
Business Improvement Area of the City of Alameda for FY 2006-07 and Set
a Public Hearing for June 6, 2006

BACKGROUND

On May 17, 1989, the City Council established a Parking and Business Improvement Area (BIA) for the Park and Webster Street business districts. The City contracts with the Park Street and West Alameda Business Associations (PSBA and WABA) to administer BIA funds collected from businesses in their respective areas.

DISCUSSION

The Parking and Business Improvement Area Law of 1989 requires the Council to appoint an advisory board to make an annual report and recommendations to the Council on the proposed expenditure of BIA revenues. The appointment of the advisory board is accomplished through annual adoption of a Resolution of Intention to Levy an Annual Assessment in which PSBA and WABA are appointed as 2006-07 advisory bodies for their respective geographic zones of the BIA.

PSBA and WABA have prepared this year's reports pursuant to their existing BIA agreements with the City. The reports include itemized activities, revenue and estimated costs for FY 2006-07 (Attachments A and B). Attachment C provides information that will enable business owners to determine the amount they will be assessed. After report approval, the Council must adopt a Resolution of Intention to Levy an Annual Assessment for FY 2006-07.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The renewal of the BIA for another year supports both the goals of the Economic Development Strategic Plan and the Downtown Vision through continued operation of the two business associations as per written in the A.M.C. Sec. 6-7 et seq.

BUDGET CONSIDERATION/FISCAL IMPACT

BIA billing is done concurrently with Business License billing. Revenues from the BIA directly benefit business owners in specified geographic and benefit zones through the

Re: Reso 4-H

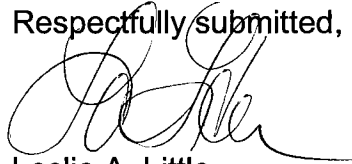
5-16-06

promotion of business and similar eligible activities. The impact on the General Fund will be in the form of Finance Department staff costs to process BIA billing and expenditure. This impact will be absorbed through Finance Department staffing proposed for funding in the FY 2006-07 budget.

RECOMMENDATION

1. Adopt a Resolution of Intention to levy an annual assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2006-07; and
2. Set a public hearing for June 6, 2006.

Respectfully submitted,



Leslie A. Little
Development Services Director

By: Dorene E. Soto
Manager, Business Development Division



Sue G. Russell
Development Coordinator

DK/LAL/DES/SGR:rv

Attachments

cc: Economic Development Commission
Park Street Business Association
West Alameda Business Association



ATTACHMENT A

April 18, 2006

Sue Russell
Management Analyst
Economic Development Division
950 West Mall Square, Room 215
Alameda, CA 94501

Dear Ms. Russell:

As President of the Park Street Business Association, I am pleased to submit the attached BIA Report and accompanying 2006/2007 budget for our Association.

We do not anticipate any changes in the BIA for 2006/2007. We have provided a description of the activities PSBA is proposing for the upcoming year and the associated line item budget.

This proposed budget was approved by the PSBA Board of Directors in a phone poll conducted this week and will be confirmed at the May 31, 2006 meeting. Based on revenue received to date, we anticipate 06/07 BIA revenue of \$81,350 and a carryover of \$9,000 resulting from cost containment by PSBA. This brings our 06/07 BIA budget to \$90,350.

We would be glad to answer any questions you have regarding the attached material.

Sincerely,

Lars Hansson
President
Park Street Business Association

PARK STREET BUSINESS ASSOCIATION

2447 Santa Clara Ave., #302, Alameda, CA 94501

PROPOSED ASSESSMENT FOR BUSINESS IMPROVEMENT AREA FISCAL YEAR 2006/2007

INTRODUCTION:

The Park Street Business Association (PSBA) is recommending a BIA budget of \$90,350 for the Park Street Business District for fiscal year 2006/2007. This recommendation is based on the estimate of the income derived from the BIA assessment in fiscal 05/06 as well as a carryover from the 05/06 budget. The formulas, budgets, and proposed activities are the result of monthly Board of Director and committee meetings between December, 2005, and April, 2006.

BUDGET:

The BIA is one of four sources of funding for the activities proposed in this report. The other three sources are funds raised by the Park Street Business Association, reimbursement from the Landscape and Lighting Budget, and a proposed grant we will be seeking from the Development Services Department. PSBA will continue its current activities, as well as implement new ones, that are in line with the California Main Street Four-Point plan for revitalizing Main Street Cities.

BOUNDARIES:

We are not proposing any changes this year.

ACTIVITIES:

Attached is a summary of the proposed activities for the fiscal year 2006/2007. These activities are designed to improve the pedestrian friendly look of the Park Street District, improve the vitality of the District in order to increase sales and sales tax revenues, promote members' businesses, attract new businesses to the District and increase the overall business atmosphere in the Park Street District. Several projects are continuations from the 2005/2006 fiscal year.

PARK STREET BUSINESS ASSOCIATION

2006/07 Membership Committee Work Plan Outline

1. **Conduct Meetings**
 - a. Mixers
 - b. Special Election Meeting (October)
 - c. Informational Meetings at half of the meetings
 - d. Holiday Party
2. **Awards**
 - a. Continue current awards program (recognizing PSBA members and city staff)
3. **Welcome New Members**
 - a. Update New Member Packet
 - b. Recruit ambassadors to greet new members
 - c. Greet new members to the District with packets as they move into their business
4. **Newsletter**
 - a. Continue mailing newsletter every month
 - b. Update mailing list

2006/07 Design Committee Work Plan Outline

1. **Design Guidelines**
 - a. Determine acceptable and not acceptable design criteria
 - b. Write Guidelines
 - c. Submit to PSBA Board for Approval
 - d. Work with City Staff to have new ordinances presented to City Council
2. **Streetscape Phase II**
 - a. Work with City staff to plan Phase II
 - b. Implement Phase II in the spring of 2007
3. **Sign Ordinance**
 - a. Work with City Staff to ensure enforcement
4. **News Rack Ordinance**
 - a. Work with City Staff to ensure enforcement
5. **Promote Façade Grant Program**
 - a. Newsletter articles
 - b. Outreach by Committee

PARK STREET BUSINESS ASSOCIATION

2006/07 Econ-Revi Committee Work Plan Outline

1. **Assist with Business Recruitment**
 - a. Identify empty storefronts
 - b. Work with City Staff and contract staff to promote the District as a positive business destination
2. **Ordinances**
 - a. Vacant Buildings – begin discussions with City Staff to beef up ordinance
 - b. Parking overlay to exempt developers in the District from in lieu parking fees.
3. **Maintenance**

Continue current level of service – 7 days a week

2006/07 Promotions Committee Work Plan Outline

1. **Continue Special Events**
 - a. Spring Festival (mother's day weekend)
 - b. Art & Wine Faire (last weekend of July)
 - c. Classic Car Show (2nd Saturday in October)
2. **Promotions**
 - a. Shopping Guide produced once a year
 - b. Continue to upgrade and update our Web Site
3. **Print Advertising**
 - a. Continue Best of Alameda PSBA pages
 - b. Continue Holiday campaign
 - c. Continue Alameda/Oakland Magazines campaign
4. **Cable Advertising**
 - a. Continue ads for special events
 - b. Continue ads for Holiday Program
5. **Holiday Promotions**
 - a. Cable ads two weeks prior to Christmas
 - b. Free parking all weekends after Thanksgiving
 - c. Continue print ads in Chronicle, Journal, Sun, Alameda and Oakland Magazines

METHOD AND BASIS OF LEVYING ASSESSMENT

Budget: See Exhibit A

CONCLUSION

PSBA would like to thank the Alameda City Council, City Attorney, Community Development, Public Works and Finance Departments for their assistance in implementing the BIA. The increased participation from the business community and the continued quality of projects has shown the BIA is a valuable tool in our continuing efforts to revitalize the Park Street Historic Business District.

Exhibit A

Park Street Business Association 2006/2007 BIA Budget Submission

INCOME:

BIA Projection	\$81,350
Accumulated Carryover	<u>\$9,000</u>
Total Income:	\$90,350

EXPENSES:

Personnel Services

Staff Benefits	\$25,000
Worker's Comp	\$17,300
Payroll Taxes	<u>\$13,650</u>
Sub Total	\$55,950

Membership Services

Meetings/Training	\$2,500
Supplies	\$2,000
Printing	\$500
Postage	<u>\$2,800</u>
Sub Total	\$7,800

Indirect/Overhead

Accounting/Audit	\$8,000
Rent	\$12,000
Utilities	\$1,600
Insurance	<u>\$5,000</u>
Sub Total	\$26,600

Total Expenses	\$90,350
-----------------------	-----------------

WEST ALAMEDA BUSINESS ASSOCIATION

PO Box 215, Alameda, CA 94501
(510) 523-5955 west_alameda@yahoo.com
www.WestAlamedaBusiness.com

PROPOSED ASSESSMENT FOR THE WEST ALAMEDA BUSINESS IMPROVEMENT AREA FISCAL YEAR JULY 1, 2006 - JUNE 30, 2007

INTRODUCTION

The West Alameda Business Association (WABA) is recommending the following assessment for the Webster Street Business District for fiscal year (FY) 2006-2007. The formulas, budgets and proposed activities are the result of various Board and Committee meetings. The Business Improvement Area (BIA) Budget was presented for adoption at the Board of Directors meeting April 19, 2006.

PROPOSED CHANGES

WABA is not recommending any changes to the Business Improvement Area.

ACTIVITIES

The following is a summary of proposed activities for the fiscal year 2006-2007. These activities have been discussed at various Board and committee meetings. WABA's mission is to use these activities to increase the vitality of Webster Street and West Alameda and preserve Webster Street's historic character. We seek to generate more foot traffic, increase sales and sales tax, promote members' businesses and increase the public goodwill and atmosphere in West Alameda.

The BIA is the source of funding for these activities. WABA will continue its current activities and implement others that follow the Main Street Four-Point Approach established by the National Trust for Historic Preservation.

It is estimated that there will be no carry forward from the 2005-2006 budget.

The estimated BIA revenue for 2006-2007 is \$32,000.

The following are activities proposed for 2006-2007. Several projects are continuations from previous fiscal years.

ECONOMIC RESTRUCTURING

- Facilitate development of high-potential properties
- Work with the City to attract appropriate businesses
- Monitor the impact of new and re-use housing projects
- Determine the potential for eco-tourism as a West Alameda business opportunity
- Investigate sources of entertainment as a business opportunity for West Alameda
- Work with the City and others to implement the Strategic Economic Development Plan, including parking plan, catalyst project and business attraction strategies
- Continue business retention activities

DESIGN

- Identify projects for facade improvements
- Develop beautification program
- Continue helping members with the Storefront Assistance Program
- Build broad-based community support for ongoing projects
- Work with City to implement recent changes to sign ordinance
- Finish implementing the newsrack district
- Fulfill public art requirements
- Work with the City in accomplishing Phase II of the Webster Renaissance Project

SPECIAL EVENTS

- Participate in July 4th events
- Produce advertising for the Association and businesses
- Produce year-round Farmers' Market
- Produce Thursday night Farmers' Market during summer months
- Produce Concerts at the Cove
- Produce Webster Street Wine and Dine Nights
- Produce annual Halloween event
- Produce 5th annual Peanut Butter Jam
- Produce holiday bazaar and visit from Santa

PUBLIC RELATIONS

- Generate increased favorable publicity about West Alameda
- Maintain contacts with key media representatives
- Update and distribute marketing literature promoting West Alameda businesses

- Continue implementing strategic marketing plan, including branding strategy, website, weekly columns and calendar of events, cooperative advertising program and business attraction strategy

ORGANIZATION

- Manage the administrative activities of the organization
- Expand community and business participation with WABA
- Develop and implement a fundraising plan, including Community Benefit District
- Organize and host business and community events for members
- Conduct annual self-evaluation of Board members and staff
- Produce and distribute WABA newsletter
- Recruit members from outside the BIA and among residents
- Distribute information door-to-door
- Involve important neighbors e. g. College of Alameda, Marina Village, Alameda Point in WABA's activities
- Implement enhanced volunteer program, including recruitment, volunteer appreciation activities and training
- Continue implementing enhanced maintenance program, including clean-up events, keeping up appearances awards and collaboration with City maintenance staff to resolve issues such as illegal dumping , littering and public health hazards

METHOD & BASIS OF LEVYING ASSESSMENT

Budget, see Exhibit A

Assessment, see Attachment C

CONCLUSION

WABA would like to thank the Alameda City Council, City Attorney, Development Services, Public Works, Planning and Finance Departments for their assistance in implementing the BIA. Please visit the WABA website, www.westalamedabusiness.com, to see the many ways WABA promotes the West End. The BIA is a valuable tool in our continuing efforts to revitalize West Alameda's historic business district.

**West Alameda Business Association
BIA BUDGET 06-07**

INCOME

BIA Projection	32000
Accumulated Carryover	0
Total Income	32000

EXPENSES**PERSONNEL SERVICES**

PR Tax/Benefits	
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SUBTOTAL

0

MEMBERSHIP SERVICES

Supplies	1,000
Printing	3,000
Postage	1,000
Newsletter/website/Marketing	9,000
Committees	1,000
Equipment	

SUBTOTAL

15000

INDIRECT/OVERHEAD

Accounting/Audit	4,000
Utilities	5,000
Insurance	7,500
Contingency	500

SUBTOTAL

17,000

GRAND TOTAL

32000

EXHIBIT C

LIST OF ADDRESSES WITHIN BIA BOUNDARIES

Combined List of Benefit Area “A” and “B” Zones:

Geographic Area:

Alameda Ave.	2300-2399 odd/even	Park St.
Broadway	1400-1590 odd only	Park St.
Buena Vista Ave.	616-750 odd/even	Webster St.
Central Ave.	630-760 odd/even	Webster St.
	2300-2499 odd/even	Park St.
	2501, 2521	Park St.
Eagle Ave.	633-707 odd/even	Webster St.
Encinal Ave.	2300-2499 odd/even	Park St.
Everett St.	1400-1519 odd/even	Park St.
Haight St.	629-728 odd/even	Webster St.
Lincoln Ave.	627-726 odd/even	Webster St.
	2267-2499 odd/even	Park St.
Oak St.	1300-1599 even only	Park St.
Pacific Ave.	626-730 odd/even	Webster St.
Park Ave.	1300-1399 odd only	Park St.
	1400-1499 odd/even	Park St.
Park St.	1125, 1198, 1200-1999 odd/even	Park St.
San Antonio Ave.	2312-2399 odd/even	Park St.
Santa Clara Ave.	700-720 odd/even	Webster St.
	2300-2599 odd/even	Park St.
Taylor Ave.	634-725 odd/even	Webster St.
Times Wy.	2300-2399 odd/even	Park St.
Webb Ave.	2400-2499 odd/even	Park St.

Webster St.	1345-1999 odd/even	Webster St.
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Memo: Benefit Area "B" Zone Only

Broadway	1400-1509 odd only	Park St.
Everett St.	1400-1519 odd/even	Park St.
Park St.	1125, 1198, 1200-1251 odd/even, 1600-1999	Park St.
Santa Clara Ave.	2500-2599 odd/even	Park St.
Lincoln Ave.	2267-2499 odd/even	Park St.
Central Ave.	2431, 2433, 2440, 2501, 2521	Park St.

**ALAMEDA BUSINESS IMPROVEMENT AREA - NON-RETAIL
FISCAL YEAR 2006-07**

Professionals and independent contractors who primarily go out into the public to sell to clients and/or do not operate retail stores.

Accountant			
Advertising			
Ambulance		AREA A = \$ 119.00	
Answering service			
Architect		AREA B = \$ 78.00	
Attorney			
Building maintenance			
Business services			
Construction			
Consultants			
Contractors			
Counselor			
Credit Unions with restricted membership			
Decorator		PRO-RATED FEES	
Electrician			
Employment		A	B
Engineer			
Gardener		<u>\$119.00</u>	<u>\$ 78.00</u>
Graphic arts			
Handyman	JULY	119.00	78.00
Health/Medical professions			
Importers	AUG	109.00	71.00
Insurance			
Landscape	SEPT	99.00	65.00
Mail order			
Manufacturer	OCT	89.00	58.00
Manufacturer's/sales reps			
Mortuary	NOV	79.00	52.00
Newspaper publishing			
Nursing facility	DEC	69.00	45.00
Painters			
Pest control	JAN	60.00	39.00
Plumber			
Property management	FEB	50.00	32.00
Real estate			
School/Instruction	MAR	40.00	26.00
Security			
Stockbrokers	APR	30.00	25.00
Tax consultants			
Travel	MAY	25.00	25.00
Veterinary			
Wholesalers	JUNE	25.00	25.00
Misc. professional/office			

**ALAMEDA BUSINESS IMPROVEMENT AREA - RETAIL SERVICE
FISCAL YEAR 2006-07**

Businesses that operate a store where people go to purchase a service.

Alarm and fire extinguisher service

Appliance service

Athletic/Health Club

Auto glass

AREA A = .40/1,000 GR

Auto upholstery

MINIMUM = \$ 119.00

Auto wash/parking

MAXIMUM = \$1,576.00

Auto repair

Barber

AREA B = .20/1,000 GR

Beauty

MINIMUM = \$ 78.00

Cleaners

MAXIMUM = \$774.00

Electronics service

Furniture repair

Hotel/motel

Keys/Locksmith

PRO-RATED MINIMUM FEES

Laundromat/laundry

A

B

Marine service

\$119.00

\$78.00

Pet services

Photography studio

JULY

119.00

78.00

Printing

Shoe service

AUG

109.00

71.00

Storage

Tailor

SEPT

99.00

65.00

Tattoo

Upholstery

OCT

89.00

58.00

NOV

79.00

52.00

DEC

69.00

45.00

JAN

60.00

39.00

FEB

50.00

32.00

MAR

40.00

26.00

APR

30.00

25.00

MAY

25.00

25.00

JUNE

25.00

25.00

**ALAMEDA BUSINESS IMPROVEMENT AREA - RETAIL GOODS
FISCAL YEAR 2006-07**

Businesses that operate a store where people go to purchase a product.

Alcoholic
Amusement
Antiques
Appliances sales
Art
Auto dealer
Auto stereo
Auto supply
Bakery
Bar
Bicycles
Books
Clothing
Coin
Computer sales

AREA A = .40/1,000 GR
MINIMUM = \$ 237.00
MAXIMUM = \$1,576.00

AREA B = .20/1,000 GR
MINIMUM = \$ 119.00
MAXIMUM = \$ 791.00

Drug/variety
Electronics sales
Fishing
Floor coverings
Florist
Food
Furnishings
Furniture
Gasoline stations
Gift
Hardware
Hobby
Jewelry
Magazines/newspaper sales
Marine sales
Market
Medical supplies
Music
Nursery
Office supplies/equipment
Optical supplies
Pet supply
Product rentals
Restaurant
Shoe sales
Sporting goods
Thrift/used merchandise
Theater/club

PRO-RATED MINIMUM FEES

	A	B
	<u>\$237.00</u>	<u>\$119.00</u>
JULY	237.00	119.00
AUG	217.00	109.00
SEPT	198.00	99.00
OCT	178.00	89.00
NOV	158.00	79.00
DEC	138.00	69.00
JAN	119.00	60.00
FEB	99.00	50.00
MAR	79.00	40.00
APR	59.00	30.00
MAY	40.00	25.00
JUNE	25.00	25.00

Video
Other retail goods

**ALAMEDA BUSINESS IMPROVEMENT AREA
FINANCIAL INSTITUTIONS/UTILITIES
FISCAL YEAR 2006-07**

Banks
Savings and Loans
Credit Unions operating to the general public
Utilities

AREA A & B = \$ 791.00

CITY OF ALAMEDA RESOLUTION NO. _____

RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT ON THE ALAMEDA BUSINESS IMPROVEMENT AREA OF THE CITY OF ALAMEDA FOR FY 2006-07 AND SET A PUBLIC HEARING FOR JUNE 6, 2006

WHEREAS, Section 6-7 of Article II of Chapter VI of the Alameda Municipal Code establishes the Alameda Business Improvement Area of the City of Alameda (hereinafter "Area"); and

WHEREAS, the Area comprises all of the Park Street Business Area, included by reference on the map and list of inclusive addresses included in this Resolution as Exhibit A and C, respectively; and all of the Webster Street Business Area included by reference on the map and list of inclusive addresses included in this Resolution as Exhibit B and C, respectively; and

WHEREAS, the improvements and activities authorized by the Ordinance include the general promotion of business activities in the Area, the promotion of the public events which are to take place on or in public places in the Area, the decoration of any public place in the Area, the furnishing of music in any public place in the Area, and the acquisition, construction or maintenance of parking facilities for the benefit of the Area; and

WHEREAS, agreements between the City of Alameda (hereinafter "City") and the Park Street Business Association (hereinafter "PSBA") and the West Alameda Business Association (hereinafter "WABA") designated PSBA and WABA to administer Business Improvement Area (hereinafter "BIA") funds for their respective geographic zones of the BIA; and

WHEREAS, PSBA and WABA have filed reports with the City Clerk describing the surplus or deficit revenues to be carried over from FY 2005-06 and describing the improvements and activities, estimated costs and methods and basis for levying the assessment for FY 2006-07.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that PSBA and WABA are hereby designated as the BIA Advisory Body for 2006-07; and

BE IT FURTHER RESOLVED that the City Council hereby sets a public hearing to consider the annual assessment for the Area and to consider any modification of benefit areas or change in boundary for June 6, 2006, at which time written or oral protests may be made; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to advertise said public hearing by causing this Resolution of Intention to be published once in a newspaper of general circulation in the City not less than seven days before the public hearing.

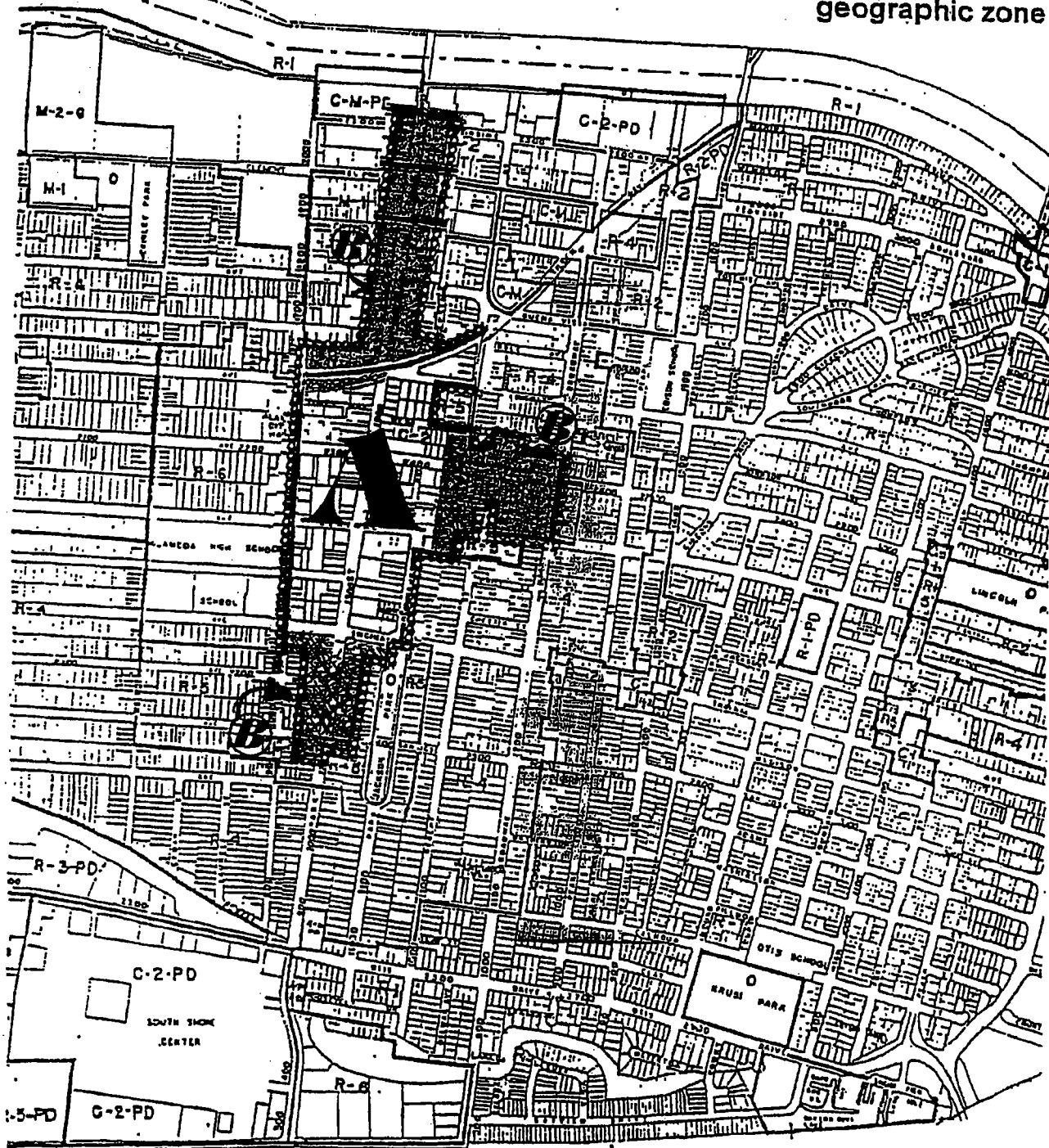
* * * * *

Resolution #4-H CC
5-16-06

Approved as to Form

CITY ATTORNEY

**EXHIBIT A:
Park Street
geographic zone**



PARK STREET COMMERCIAL AREA

A: Benefit Area A

B: Benefit Area B

EXHIBIT B:
Webster Street
geographic zone

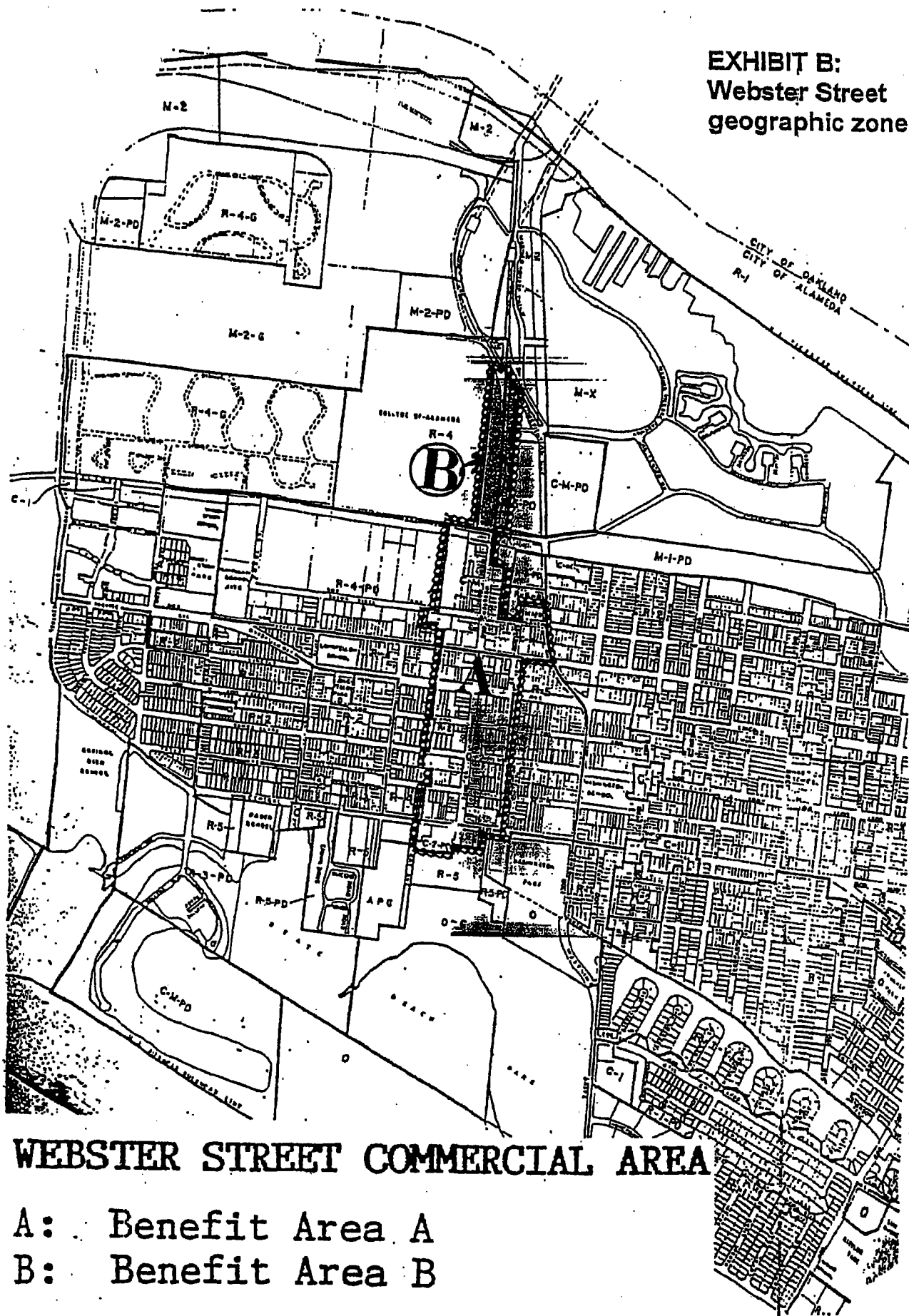


EXHIBIT C

LIST OF ADDRESSES WITHIN BIA BOUNDARIES

Combined List of Benefit Area "A" and "B" Zones:		Geographic Area:
Alameda Ave.	2300-2399 odd/even	Park St.
Broadway	1400-1590 odd only	Park St.
Buena Vista Ave.	616-750 odd/even	Webster St.
Central Ave.	630-760 odd/even 2300-2499 odd/even 2501, 2521	Webster St. Park St. Park St.
Eagle Ave.	633-707 odd/even	Webster St.
Encinal Ave.	2300-2499 odd/even	Park St.
Everett St.	1400-1519 odd/even	Park St.
Haight St.	629-728 odd/even	Webster St.
Lincoln Ave.	627-726 odd/even 2267-2499 odd/even	Webster St. Park St.
Oak St.	1300-1599 even only	Park St.
Pacific Ave.	626-730 odd/even	Webster St.
Park Ave.	1300-1399 odd only 1400-1499 odd/even	Park St. Park St.
Park St.	1125, 1198, 1200-1999 odd/even	Park St.
San Antonio Ave.	2312-2399 odd/even	Park St.
Santa Clara Ave.	700-720 odd/even 2300-2599 odd/even	Webster St. Park St.
Taylor Ave.	634-725 odd/even	Webster St.
Times Wy.	2300-2399 odd/even	Park St.
Webb Ave.	2400-2499 odd/even	Park St.

Webster St.	1345-1999 odd/even	Webster St.
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Memo: Benefit Area "B" Zone Only

Broadway	1400-1509 odd only	Park St.
Everett St.	1400-1519 odd/even	Park St.
Park St.	1125, 1198, 1200-1251 odd/even, 1600-1999	Park St.
Santa Clara Ave.	2500-2599 odd/even	Park St.
Lincoln Ave.	2267-2499 odd/even	Park St.
Central Ave.	2431, 2433, 2440, 2501, 2521	Park St.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

City of Alameda

Interoffice Memorandum

May 16, 2004

To: The Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Re: Ordering Vacation of Abandoned Easements within the former East
Housing and FISC Annex Property and Recordation of Quitclaim Deed
(Bayport Residential Project) [ID No. 16 & 17]

Background

In May 2000, the City certified by Resolution No. 13216, the Final EIR for the Catellus Mixed-Use Development ("Project"). Pursuant to the EIR and approved Master Plan, existing underground easements that run through the former East Housing and FISC Property need to be vacated in order to construct the second and third phase of the Bayport Residential Project.

Discussion

BKF Engineers of Pleasanton has prepared the plat and legal description for the vacation of each easement shown Attachments 1 and 2. BKF also prepared the design and construction documents and specifications for the removal of each storm drain and sanitary sewer system, which have already been removed. Harris Associates, the designated City Engineer on this Project, has reviewed and approved the legal description and plat map for the storm drain easement vacation.

15' Storm Drain Easement

The abandonment of this easement is required in order to remove the encumbrance from title for a portion of Lots 96, 123, X, Y, AA and CC of Tract 7512 to the underlying fee interest. Title is presently vested in the City of Alameda and will be transferred to the Master Developer (FOCIL-BP, LLC) as part of the final residential land conveyance scheduled for June 2006. The easement, which previously served the interim detention basin, is no longer a necessary to the City and can be vacated.

10' Sanitary Sewer Easement

The abandonment of this easement is required in order to remove the encumbrance from title for a portion of Lots S and T of Tract 7511 to the underlying fee interest, Title is presently vested in the City of Alameda and will be transferred to Bayport Alameda Associates, LLC.

**Re: Resos 4-I
5-16-06**

Budget Consideration/Financial Impact

There is no financial impact to the City as a result of vacating either easement.

Municipal Code/Policy Document Cross Reference

The subject action conforms to the General Plan, Catellus Master Plan, Development Agreement and Disposition and Development Agreement.

Environmental Review

The subject action conforms to the Final EIR for the Catellus Mixed Use Development. No additional CEQA review is required.

Recommendation

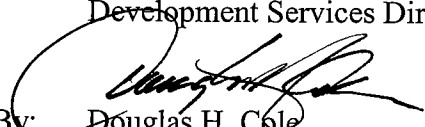
Adopt Resolutions ordering the vacation of the following abandoned easements:

1. 15' Storm Drain Easement Within Assessor Parcel No. 074-1360- Portion of (24,25, 27, 29, 125 and 152) and Recordation of Quitclaim Deed (Bayport Residential Project) [ID No. 16];
2. 10' Sanitary Sewer Easement Within A.P.N. 074-1356-Portion of (12 & 13) and Recordation of Quitclaim Deed (Bayport Residential Project) [ID No. 17], and

Authorize the City Manager to execute, file, and record all necessary documents required to vacate and quitclaim the above referenced easements and remove the encumbrance from title to the underlying fee interest held by the City of Alameda.

Respectfully submitted,


Leslie A. Little,
Development Services Director


By: Douglas H. Cole
Redevelopment Manager

DK/LL/DC:dc

Attachments:

- 1) 15' Storm Drain Easement Quitclaim Deed
- 2) 10' Sanitary Sewer Easement Quitclaim Deed

ATTACHMENT NO. 1

**15' Storm Drain Easement Within Assessor Parcel No. 074-1360- Portion of
(24,25, 27, 29, 125 and 152) Bayport Residential Project [ID No. 16]**

Quitclaim Deed

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501
Attention: City Clerk

Recorded for the Benefit of
The City of Alameda
Pursuant to Government
Code Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

A.P.N. 074-1360- Portion of (24,25, 27, 29, 125 and 152)

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, as of May 16, 2006, the CITY OF ALAMEDA, a municipal corporation (the "City"), does hereby remise, release, and forever quitclaim to:

(a) the COMMUNITY IMPROVEMENT COMMISSION OF THE CITY OF ALAMEDA, a public body, corporate and politic, of the State of California, exercising governmental functions and powers, and organized and existing, under the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) (the "CIC"), with respect to the CIC's underlying fee interests, all of its rights, title and interest in and to that certain temporary 15' storm drain easement affecting portions of Lots 96, 123, X, Y and AA, title to which is presently vested in City, situated in the City and County of Alameda, State of California, as shown on that certain tract map entitled Tract 7512 – Bayport, recorded in the Official Records of Alameda County, California on October 14, 2005 in Book 285 of Maps at Pages 86 through 98, inclusive, more particularly shown on Exhibit A attached hereto; and

(b) FOCIL-BP, LLC, a Delaware limited liability company ("FOCIL"), with respect to FOCIL's underlying fee interests, all of its rights, title and interest in and to that certain temporary 15' storm drain easement affecting a portion of Lot CC, title to which is presently vested in City, situated in the City and County of Alameda, State of California, as shown on that certain tract map entitled Tract 7512 – Bayport, recorded in the Official Records of Alameda County, California on October 14, 2005 in Book 285 of Maps at Pages 86 through 98, inclusive, more particularly shown on Exhibit A attached hereto.

IN WITNESS WHEREOF, the City has caused this instrument to be executed the day and year written first above.

ATTESTATION:

CITY OF ALAMEDA

By: _____
Name: _____
Title: _____

By: _____
Debra Kurita
City Manager

APPROVED AS TO FORM:

By: _____

Name: _____

Title: _____

This is to certify that the real property conveyed by this Quitclaim Deed to the CIC with respect to its underlying fee interest, is hereby accepted herein by the undersigned officer or agent on behalf of the CIC pursuant to authority conferred by resolution of CIC adopted on _____, 2006, and the CIC hereby consents to the recordation thereof by its duly authorized officer.

Dated: _____, 2006

CIC:

Community Improvement Commission
of the City of Alameda

By: _____
Name: _____
Title: _____

Attestation:

By: _____
Name: _____
Title: _____

EXHIBIT A

Legal Description of Dedicated Easement
(Temporary 15' Storm Drain Easement, Tract 7512 - Bayport)

[Attached]



ENGINEERS
SURVEYORS
PLANNERS

March 23, 2006
BKF Job No. 20010174-30

DKF NO. 2
ZD # 16

15 FOOT WIDE STORM DRAIN EASEMENT TO BE ABANDONED

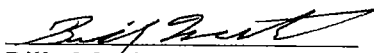
All that real property situate in the City of Alameda, Alameda County, State of California, being all of that certain 15 foot wide Storm Drain Easement, lying within Lot 123, Lot Y, Lot AA, Lot X, Lot CC and Lot 96, as shown on that certain Tract map entitled "TRACT 7512 - BAYPORT" filed for record on October 14, 2005 in Book 285 of Maps at pages 86 through 98, inclusive, in the Office of the Recorder of Alameda County and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Lot 123; thence along the easterly line of said lot, South 15°17'49" East, 11.47 feet to the northeasterly corner of said easement and the TRUE POINT OF BEGINNING; thence continuing along said easterly line and the easterly line of said easement, South 15°17'49" East, 15.00 feet; thence leaving the easterly line of said Lot 123 and continuing along the easterly line of said easement, South 74°42'11" West, 5.84 feet; thence continuing along said easterly line, South 2°04'40" West, 59.99 feet; thence along the southerly line of said easement, North 87°55'20" West, 618.32 feet; thence continuing along said southerly line, South 2°04'40" West, 174.96 feet; thence continuing along said southerly line, South 55°18'24" West, 59.37 feet to a point on the southerly line of said Lot 96; thence along said southerly line of said easement and said Lot 96, North 87°55'20" West, 25.06 feet to the most westerly corner of said easement; thence leaving said southerly line and along the westerly line of said easement, North 55°18'24" East, 71.92 feet; thence continuing along said westerly line, North 2°04'40" East, 182.45 foot to the northwesterly corner of said easement; thence along the northerly line of said easement, South 87°55'20" East, 618.32 feet; thence continuing along said northerly line, North 2°04'40" East, 56.01 feet; thence continuing along said northerly line, North 74°42'11" East, 16.87 feet to the TRUE POINT OF BEGINNING and containing an area of 13,980 square feet, more or less.

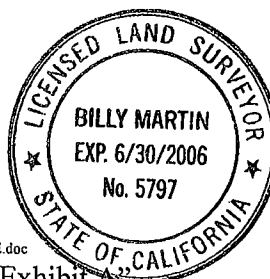
A plat showing the above-described easement is attached hereto and made a part hereof as "Exhibit B".

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

255 Shoreline Drive
Suite 200
Redwood City
California 94065
phone 650.482.6300
fax 650.482.6399
www.bkf.com

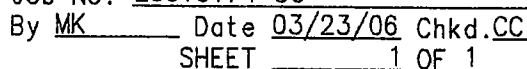

Billy Martin, PLS 5797
Expires: 06/30/2006

K:\MAIN\2001\010174\08 Survey\Legals\Abandonment\15'SDE.doc



MARCH 23 2006
Dated

"Exhibit A"
Page 1 of 1



MOSLEY AVENUE

Parcel name: 15' S.D.E.

North: 471728.6511	East : 1483561.3632
Line Course: S 15-17-49 E	Length: 15.00
North: 471714.1825	East : 1483565.3205
Line Course: S 74-42-11 W	Length: 5.84
North: 471712.6418	East : 1483559.6874
Line Course: S 02-04-40 W	Length: 59.99
North: 471652.6913	East : 1483557.5124
Line Course: N 87-55-20 W	Length: 618.32
North: 471675.1091	East : 1482939.5989
Line Course: S 02-04-40 W	Length: 174.96
North: 471500.2642	East : 1482933.2555
Line Course: S 55-18-24 W	Length: 59.37
North: 471466.4717	East : 1482884.4409
Line Course: N 87-55-20 W	Length: 25.06
North: 471467.3803	East : 1482859.3974
Line Course: N 55-18-24 E	Length: 71.92
North: 471508.3160	East : 1482918.5308
Line Course: N 02-04-40 E	Length: 182.45
North: 471690.6461	East : 1482925.1457
Line Course: S 87-55-20 E	Length: 618.32
North: 471668.2282	East : 1483543.0592
Line Course: N 02-04-40 E	Length: 56.01
North: 471724.2013	East : 1483545.0899
Line Course: N 74-42-11 E	Length: 16.87
North: 471728.6520	East : 1483561.3622

Perimeter: 1904.10 Area: 13,980 sq. ft. 0.32 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0013 Course: N 47-07-59 W
Error North: 0.00091 East : -0.00098
Precision 1: 1,464,700.00

ATTACHMENT NO. 2

**10' Sanitary Sewer Easement Within A.P.N. 074-1356-Portion of (12 & 13)
Bayport Residential Project [ID No. 17]**

Quitclaim Deed

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501
Attention: City Clerk

Recorded for the Benefit of
The City of Alameda
Pursuant to Government
Code Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

A.P.N. 074-1356-Portion of (12 & 13)

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, as of May 16, 2006, the CITY OF ALAMEDA, a municipal corporation (the "City"), does hereby remise, release, and forever quitclaim to Bayport Alameda Associates, LLC, a Delaware limited liability company ("Bayport Alameda"), with respect to Bayport Alameda's underlying fee interests, all of its rights, title and interest in and to that certain sanitary sewer easement affecting portions of Lots S and T, title to which is presently vested in City, situated in the City and County of Alameda, State of California, as shown on that certain tract map entitled Tract 7511 – Bayport, recorded in the Official Records of Alameda County, California on July 9, 2004 in Book 277 of Maps at Pages 1 through 19, inclusive, more particularly shown on Exhibit A attached hereto.

IN WITNESS WHEREOF, the City has caused this instrument to be executed the day and year written first above.

ATTESTATION:

CITY OF ALAMEDA

By: _____
Name: _____
Title: _____

By: _____
Debra Kurita
City Manager

APPROVED AS TO FORM:

By: _____
Name: _____
Title: _____

EXHIBIT A

Legal Description of Dedicated Easement
(Sanitary Sewer Easement, Tract 7511 - Bayport)

[Attached]

EXHIBIT "A"
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT

All that certain real property situate in the City of Alameda, County of Alameda, State of California, described as follows:

BEING a portion of LOT "S" and LOT "T", as said lots are shown on that certain map entitled "TRACT 7511 – BAYPORT", filed for record on July 9, 2004 in Book 277 of Maps at Pages 1 through 19, inclusive, Alameda County Records, more particularly described as follows:

BEING that portion of the 10' wide Sanitary Sewer Easement (10' S.S.E.) as shown on that certain map entitled "TRACT 7387 – BAYPORT", filed for record on June 24, 2003 in Book 271 of Maps at Pages 1 through 34, inclusive, Alameda County Records, lying within said LOT "S" and LOT "T", as shown on said map entitled "TRACT 7511 – BAYPORT".

A plat showing the above-described parcel is attached herein and made a part hereof as Exhibit "B".

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.



Randall L. Heiken

Randall L. Heiken, P.L.S. 5756
License Expires: 6-30-2006
K:\Main\1998\980221\Legals\vacate10'SSE.DOC

4.28.06

Dated:

- LEGEND**
- APN - ASSESSORS PARCEL NUMBER
 - M - MAP
 - O.R. - OFFICIAL RECORDS
 - S.S.E. - SANITARY SEWER EASEMENT
 - — — — — EASEMENT LINE
 - — — — — LOT LINE

TRACT 7387-BAYPORT
271 M 1-34

TRACT 7511-BAYPORT
277 M 1-19
REMAINDER PARCEL

APN: 074-0905-042-1



Randall L. Heiken
4.28.06

TRACT 7511-BAYPORT
277 M 1-19

TINKER AVENUE

SANITARY SEWER
EASEMENT

PORTION OF 10' S.S.E.
271 M 1-34

LOT 41

LOT T

LOT 47

LOT U

LOT Q

HAILE STREET
LOT S

EXHIBIT "B"

SANITARY SEWER EASEMENT



BKF

ENGINEERS / SURVEYORS / PLANNERS

4780 CHABOT DR., SUITE 104
PLEASANTON, CA 94588
925/396-7700 (TEL)
925/396-7799 (FAX)

Drawn: RL

Job No.: 20010174-30

Checked: WS

Date: 04/26/06

Approved: RLH

Sheet: 1 of 1

CITY OF ALAMEDA RESOLUTION NO. _____

ORDERING VACATION OF AN ABANDONED 15 FOOT STORM DRAIN EASEMENT WITHIN ASSESSOR PARCEL NO. 074-1360- PORTION OF (24, 25, 27, 29, 125 AND 152) AND AUTHORIZING RECORDATION OF QUITCLAIM DEED (CATELLUS/BAYPORT RESIDENTIAL PROJECTS) [ID NO. 16]

WHEREAS, the subject 15' Storm Drain Easement within A.P.N. 074-1360- Portion of (24, 25, 27, 29, 125 and 152) (also being a portion of Lots 96, 123, X, Y, AA and CC, as shown on the tract map entitled Tract 7512 – Bayport, filed on October 14, 2005 in Map Book 285, pages 86 through 98, inclusive, Alameda County Records, more particularly described in Exhibit A); and

WHEREAS, the proposal for a Master Plan, General Plan Amendment, Rezoning, Development Agreement, Tentative Map, Parcel (Disposition) Map, City Council Resolution No. 13216 (certifying the Final EIR for the Catellus Mixed Use Development) was approved by the City Council on May 31, 2000; and

WHEREAS, pursuant to the EIR and approved Master Plan calls for the development of the Catellus Bayport residential project; and

WHEREAS, the Master Plan and Improvement Plans for Backbone Infrastructure Improvements calls for vacation of the existing storm drain easement in order to construct the third phase of the Catellus Bayport residential project; and

WHEREAS, the existing storm drain easement which previously served the interim detention basin is no longer a necessity to the City and can be vacated; and

WHEREAS, a plat and legal description of the portion of the easement to be vacated have been prepared.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that it hereby ordered that the subject storm water easement within A.P.N. 074-1360- Portion of (24, 25, 27, 29, 125 and 152) be vacated.

BE IT FURTHER RESOLVED that the City Clerk shall cause certified copies of this resolution, attested under seal, together with quitclaim deed and plat and legal description to be recorded in the County Recorder's Office and from and after the date of this resolution is recorded, to vacate and terminate said portion of easement within A.P.N. 074-1360- Portion of (24, 25, 27, 29, 125 and 152) and shall file and record such other documents necessary to remove the encumbrance from the title.

* * * * *

Resolutions #4-I CC
5-16-06

Approved as to Form

CITY ATTORNEY



ENGINEERS
SURVEYORS
PLANNERS

March 23, 2006
BKF Job No. 20010174-30

BKF NO. 2
ID # 16

15 FOOT WIDE STORM DRAIN EASEMENT TO BE ABANDONED

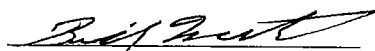
All that real property situate in the City of Alameda, Alameda County, State of California, being all of that certain 15 foot wide Storm Drain Easement, lying within Lot 123, Lot Y, Lot AA, Lot X, Lot CC and Lot 96, as shown on that certain Tract map entitled "TRACT 7512 - BAYPORT" filed for record on October 14, 2005 in Book 285 of Maps at pages 86 through 98, inclusive, in the Office of the Recorder of Alameda County and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Lot 123; thence along the easterly line of said lot, South 15°17'49" East, 11.47 feet to the northeasterly corner of said easement and the TRUE POINT OF BEGINNING; thence continuing along said easterly line and the easterly line of said easement, South 15°17'49" East, 15.00 feet; thence leaving the easterly line of said Lot 123 and continuing along the easterly line of said easement, South 74°42'11" West, 5.84 feet; thence continuing along said easterly line, South 2°04'40" West, 59.99 feet; thence along the southerly line of said easement, North 87°55'20" West, 618.32 feet; thence continuing along said southerly line, South 2°04'40" West, 174.96 feet; thence continuing along said southerly line, South 55°18'24" West, 59.37 feet to a point on the southerly line of said Lot 96; thence along said southerly line of said easement and said Lot 96, North 87°55'20" West, 25.06 feet to the most westerly corner of said easement; thence leaving said southerly line and along the westerly line of said easement, North 55°18'24" East, 71.92 feet; thence continuing along said westerly line, North 2°04'40" East, 182.45 foot to the northwesterly corner of said easement; thence along the northerly line of said easement, South 87°55'20" East, 618.32 feet; thence continuing along said northerly line, North 2°04'40" East, 56.01 feet; thence continuing along said northerly line, North 74°42'11" East, 16.87 feet to the TRUE POINT OF BEGINNING and containing an area of 13,980 square feet, more or less.

A plat showing the above-described easement is attached hereto and made a part hereof as "Exhibit B".

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

255 Shoreline Drive
Suite 200
Redwood City
California 94065
phone 650.482.6300
fax 650.482.6399
www.bkf.com

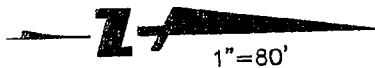

Billy Martin, PLS 5797
Expires: 06/30/2006

K:\MAIN\2001\010174\08 Survey\Legals\Abandonment\15'SDE.doc



MARCH 23 2006
Dated

"Exhibit A"
Page 1 of 1

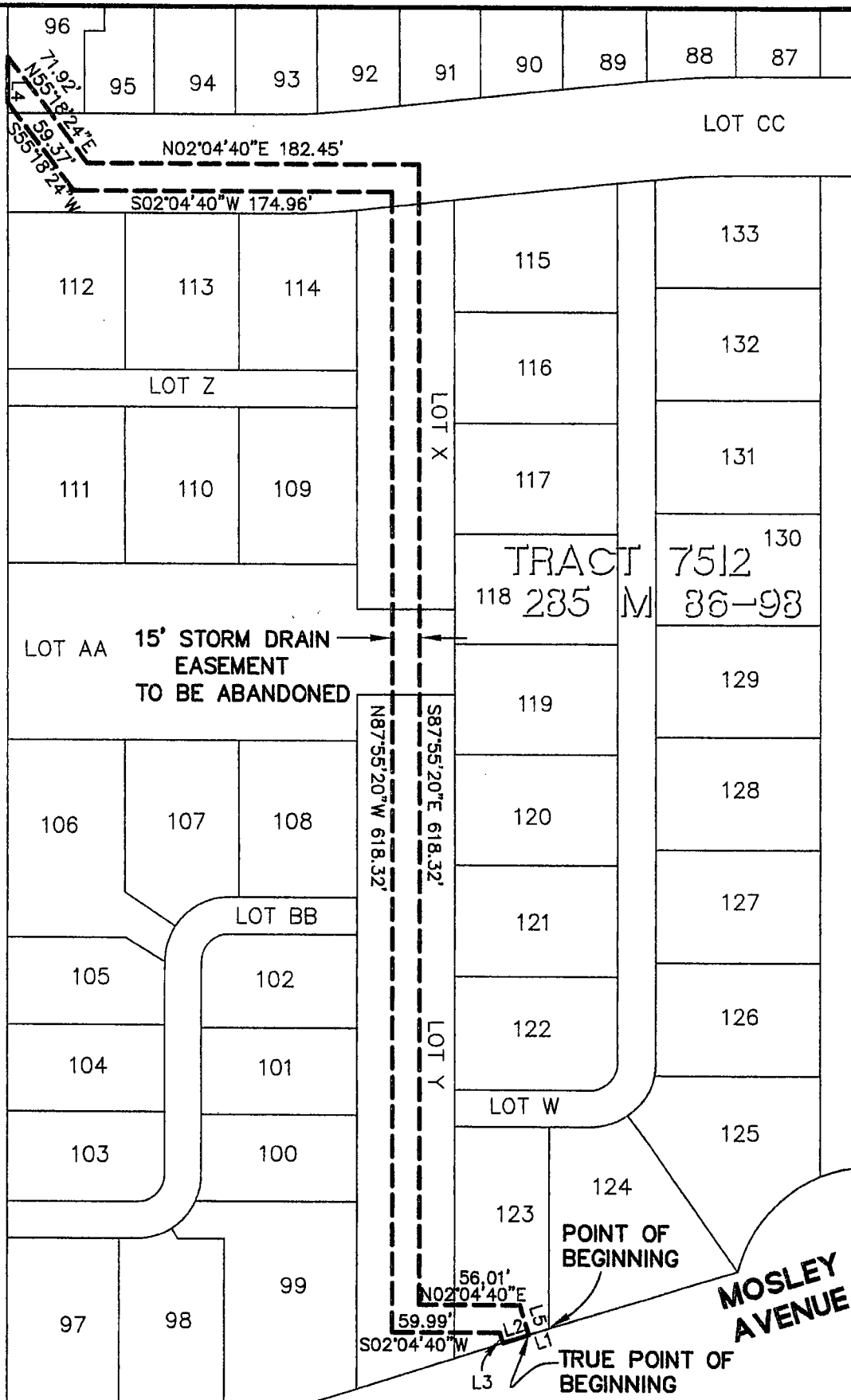


1"=80'

TRACT 7387
271 M 1-34



No.	Bearing	Length
L1	S15°17'49"E	11.47'
L2	S15°17'49"E	15.00'
L3	S74°42'11"W	5.84'
L4	N87°55'20"W	25.06'
L5	N74°42'11"E	16.87'



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)

Subject **S.D.E. TO BE ABANDONED**
EXHIBIT B

Job No. 20010174-30

By MK Date 03/23/06 Chkd. CC

SHEET 1 OF 1

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. _____

ORDERING VACATION OF AN ABANDONED 10 FOOT SANITARY SEWER EASEMENT WITHIN ASSESSOR PARCEL NO. 074-1356-PORCION OF (12 & 13) AND AUTHORIZING RECORDATION OF QUITCLAIM DEEDS (CATELLUS/BAYPORT RESIDENTIAL PROJECTS) [ID NO. 17]

Approved as to Form
Candace Korade
CITY ATTORNEY

WHEREAS, the subject Sanitary Sewer Easement within A.P.N. 074-1356-Portion of (12 & 13) (also being a portion of Lots S and T, as shown on the tract map entitled Tract 7511 – Bayport, filed on July 9, 2004 in Map Book 277, pages 1 through 19, inclusive, Alameda County Records, more particularly described in Exhibit A); and

WHEREAS, the proposal for a Master Plan, General Plan Amendment, Rezoning, Development Agreement, Tentative Map, Parcel (Disposition) Map, City Council Resolution No. 13216 (certifying the Final EIR for the Catellus Mixed Use Development) was approved by the City Council on May 31, 2000; and

WHEREAS, pursuant to the EIR and approved Master Plan calls for the development of the Catellus Bayport residential project; and

WHEREAS, the Master Plan and Improvement Plans for Backbone Infrastructure Improvements calls for vacation of the existing sanitary sewer easement; and

WHEREAS, the existing sanitary sewer easement is no longer a necessity to the City and can be vacated; and

WHEREAS, a plat and legal description of the portion of the easement to be vacated have been prepared.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that it hereby ordered that the subject storm water easement within A.P.N. 074-1356-Portion of (12 & 13) be vacated.

BE IT FURTHER RESOLVED that the City Clerk shall cause certified copies of this resolution, attested under seal, together with quitclaim deed and plat and legal description to be recorded in the County Recorder's Office and from and after the date of this resolution is recorded, to vacate and terminate said portion of easement within A.P.N. 074-1356-Portion of (12 & 13) and shall file and record such other documents necessary to remove the encumbrance from the title.

* * * * *

EXHIBIT "A"
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT

All that certain real property situate in the City of Alameda, County of Alameda, State of California, described as follows:

BEING a portion of LOT "S" and LOT "T", as said lots are shown on that certain map entitled "TRACT 7511 – BAYPORT", filed for record on July 9, 2004 in Book 277 of Maps at Pages 1 through 19, inclusive, Alameda County Records, more particularly described as follows:

BEING that portion of the 10' wide Sanitary Sewer Easement (10' S.S.E.) as shown on that certain map entitled "TRACT 7387 – BAYPORT", filed for record on June 24, 2003 in Book 271 of Maps at Pages 1 through 34, inclusive, Alameda County Records, lying within said LOT "S" and LOT "T", as shown on said map entitled "TRACT 7511 – BAYPORT".

A plat showing the above-described parcel is attached herein and made a part hereof as Exhibit "B".

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.



Randall L. Heiken

Randall L. Heiken, P.L.S. 5756
License Expires: 6-30-2006
K:\Main\1998\980221\Legals\vacate10'SSE.DOC

4.28.06

Dated:

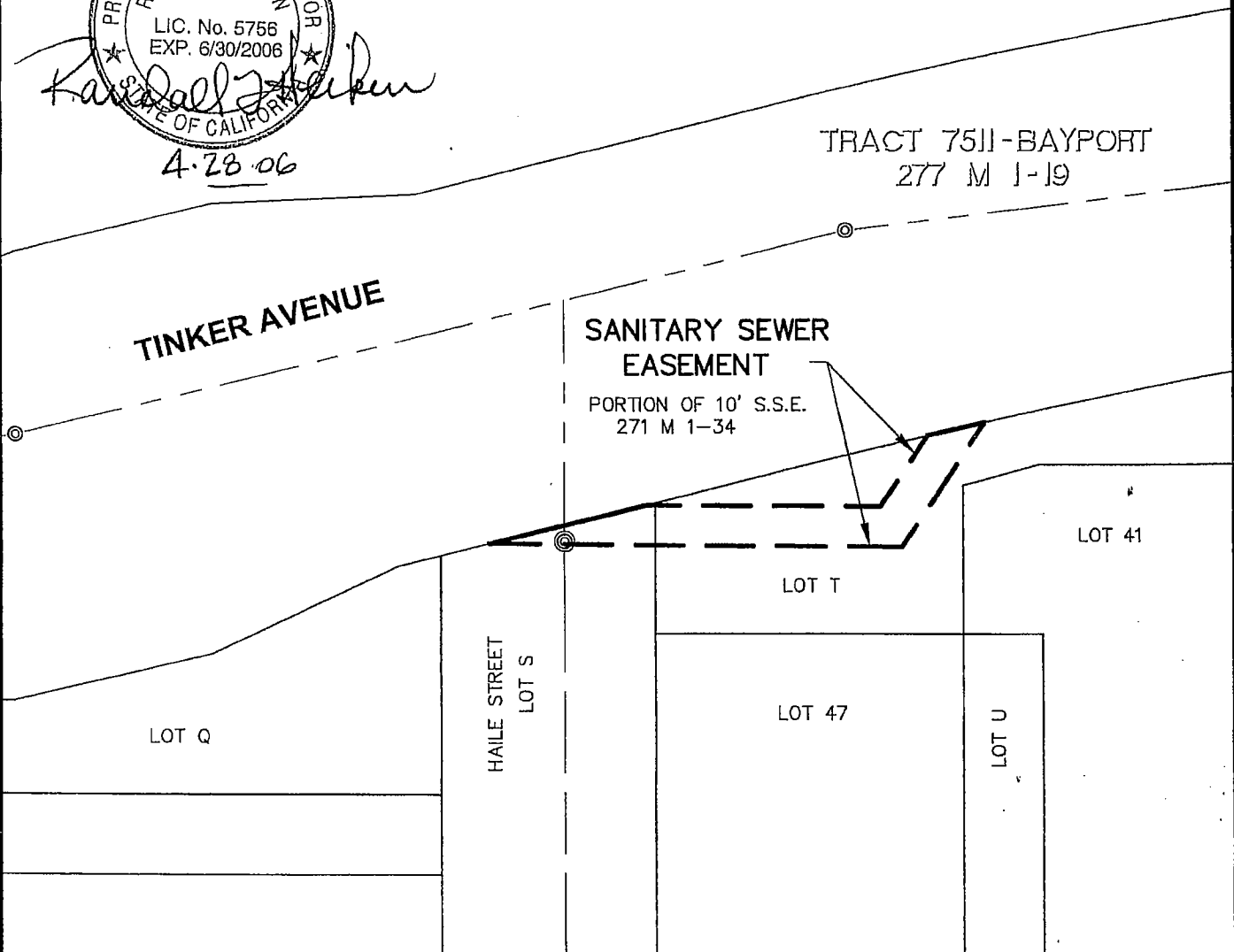
- LEGEND**
- APN - ASSESSORS PARCEL NUMBER
 - M - MAP
 - O.R. - OFFICIAL RECORDS
 - S.S.E. - SANITARY SEWER EASEMENT
 - — — — — EASEMENT LINE
 - — — — — LOT LINE

TRACT 7387-BAYPORT
271 M 1-34
TRACT 7511-BAYPORT
277 M 1-19
REMAINDER PARCEL

APN: 074-0905-042-1



Randall L. Heiken
4.28.06



BKF

ENGINEERS / SURVEYORS / PLANNERS

4780 CHABOT DR., SUITE 104
PLEASANTON, CA 94588
925/396-7700 (TEL)
925/396-7799 (FAX)

EXHIBIT "B"
SANITARY SEWER EASEMENT

Drawn: RL
Job No.: 20010174-30 Date: 04/26/06

Checked: WS

Approved: RLH
Sheet: 1 of 1

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Date: May 16, 2006

Re: Resolution Amending the Management and Confidential Employees
Association Salary Schedule

BACKGROUND

The Memorandum of Understanding for the Management and Confidential Employees Association (MCEA) was adopted in 2002 and covers the period September 9, 2002 through December 31, 2004. The proposed resolution establishes the biweekly salary range on the MCEA salary schedule for the new classification of Web Technical Producer.

DISCUSSION

Alameda Power & Telecom's business and overall departmental business processes continue to evolve, requiring Alameda Power & Telecom to evaluate the benefits of either outsourcing or performing functions in-house. The Web Technical Producer position is required to bring the function of website maintenance and development in-house from the current third party provider. The Web Technical Producer position will have overall technical production responsibility for the Alameda Power & Telecom website and its associated subsites, and maintain around the clock reliability.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Alameda Power & Telecom Enterprise Fund will pay the funds required to cover the recommended salary range of the Web Technical Producer classification. Funding has been authorized by the Public Utilities Board for this position. There is no financial impact to the General Fund.

RECOMMENDATION

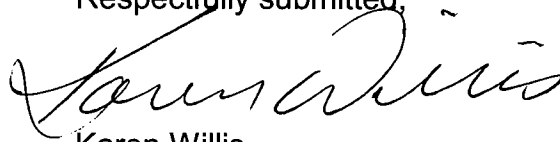
Adopt resolution amending the Management and Confidential Employees Association (MCEA) salary schedule by establishing the salary range for the classification of Web Technical Producer.

**Re: Reso 4-J
5-16-06**

Honorable Mayor and
Councilmembers

May 16, 2006
Page 2 of 2

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen Willis", written in a cursive style.

Karen Willis
Human Resources Director

CITY OF ALAMEDA RESOLUTION NO. _____

AMENDING THE MANAGEMENT AND CONFIDENTIAL EMPLOYEES
ASSOCIATION (MCEA) SALARY SCHEDULE BY ESTABLISHING THE
SALARY RANGE FOR THE CLASSIFICATION OF WEB TECHNICAL
PRODUCER

BE IT RESOLVED by the Council of the City of Alameda that the salary resolution of Management and Confidential Employees Association (MCEA) is hereby amended by establishing the salary rates, salary ranges, salary steps and benefits for the classification of Web Technical Producer designating those as applicable to this classification in the service of the City of Alameda.

CITY OF ALAMEDA
MANAGEMENT AND CONFIDENTIAL EMPLOYEES ASSOCIATION
Effective May 28, 2006

Code	Classification <i>EXEMPT</i>	BI-WEEKLY				
		Step 1	Step 2	Step 3	Step 4	Step 5
7319*	Web Technical Producer	\$2507	\$2632	\$2764	\$2902	\$3047

*Indicates classification with thirty-seven and one-half (37 ½) hour original workweek.

* * * * *

Resolution #4-J CC
5-16-06

Approved as to Form

CITY ATTORNEY

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING JEANETTE L. COPPERWAITE AS A MEMBER OF THE
ALAMEDA FILM COMMISSION
(HISTORIC EXPERIENCE SEAT)

BE IT RESOLVED by the Council of the City of Alameda that pursuant to Section 2-18.2 of the Alameda Municipal Code, and upon nomination of the Mayor, JEANETTE L. COPPERWAITE is hereby appointed to the office of Historic Experience seat member of the Alameda Film Commission of the City of Alameda, for a term commencing May 16, 2006 and expiring pursuant to staggered term requirements of the Alameda Municipal Code and to serve until her successor is appointed and qualified.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

**Resolutions #5-A
5-16-06**

Approved as to Form

CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING KENNETH I. DORRANCE AS A MEMBER OF THE
ALAMEDA FILM COMMISSION
(REALTY/PROPERTY MANAGEMENT PROFESSIONAL SEAT)

BE IT RESOLVED by the Council of the City of Alameda that pursuant to Section 2-18.2 of the Alameda Municipal Code, and upon nomination of the Mayor, KENNETH I. DORRANCE is hereby appointed to the office of Realty/Property Management Professional seat member of the Alameda Film Commission of the City of Alameda, for a term commencing May 16, 2006 and expiring pursuant to staggered term requirements of the Alameda Municipal Code and to serve until his successor is appointed and qualified.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form
[Signature]
CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING DAVID J. DUFFIN AS A MEMBER OF THE
ALAMEDA FILM COMMISSION
(FILM/VIDEO INDUSTRY SEAT)

BE IT RESOLVED by the Council of the City of Alameda that pursuant to Section 2-18.2 of the Alameda Municipal Code, and upon nomination of the Mayor, DAVID J. DUFFIN is hereby appointed to the office of Film/Video Industry seat member of the Alameda Film Commission of the City of Alameda, for a term commencing May 16, 2006 and expiring pursuant to staggered term requirements of the Alameda Municipal Code and to serve until his successor is appointed and qualified.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form
CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING LIAM GRAY AS A MEMBER OF THE
ALAMEDA FILM COMMISSION
(ARTS/CULTURAL SEAT)

BE IT RESOLVED by the Council of the City of Alameda that pursuant to Section 2-18.2 of the Alameda Municipal Code, and upon nomination of the Mayor, LIAM GRAY is hereby appointed to the office of Arts/Cultural seat member of the Alameda Film Commission of the City of Alameda, for a term commencing May 16, 2006 and expiring pursuant to staggered term requirements of the Alameda Municipal Code and to serve until his successor is appointed and qualified.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES


NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form

CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING ORIN D. GREEN AS A MEMBER OF THE
ALAMEDA FILM COMMISSION
(FILM/VIDEO INDUSTRY SEAT)

BE IT RESOLVED by the Council of the City of Alameda that pursuant to Section 2-18.2 of the Alameda Municipal Code, and upon nomination of the Mayor, ORIN D. GREEN is hereby appointed to the office of Film/Video Industry seat member of the Alameda Film Commission of the City of Alameda, for a term commencing May 16, 2006 and expiring pursuant to staggered term requirements of the Alameda Municipal Code and to serve until his successor is appointed and qualified.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form

CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING PATRICIA A. GREY AS A MEMBER OF THE
ALAMEDA FILM COMMISSION
(FILM/VIDEO INDUSTRY SEAT)

BE IT RESOLVED by the Council of the City of Alameda that pursuant to Section 2-18.2 of the Alameda Municipal Code, and upon nomination of the Mayor, PATRICIA A. GREY is hereby appointed to the office of Film/Video Industry seat member of the Alameda Film Commission of the City of Alameda, for a term commencing May 16, 2006 and expiring pursuant to staggered term requirements of the Alameda Municipal Code and to serve until her successor is appointed and qualified.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form

CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING TAMAR LOWELL AS A MEMBER OF THE
ALAMEDA FILM COMMISSION
(WATER/MARINA BASED EXPERIENCE SEAT)

BE IT RESOLVED by the Council of the City of Alameda that pursuant to Section 2-18.2 of the Alameda Municipal Code, and upon nomination of the Mayor, TAMAR LOWELL is hereby appointed to the office of Water/Marina Based Experience seat member of the Alameda Film Commission of the City of Alameda, for a term commencing May 16, 2006 and expiring pursuant to staggered term requirements of the Alameda Municipal Code and to serve until his successor is appointed and qualified.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form

CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING THEATTE (TEDDY) B. TARBOR AS A MEMBER OF THE
ALAMEDA FILM COMMISSION
(COMMUNITY-AT-LARGE SEAT)

BE IT RESOLVED by the Council of the City of Alameda that pursuant to Section 2-18.2 of the Alameda Municipal Code, and upon nomination of the Mayor, THEATTE (TEDDY) B. TARBOR is hereby appointed to the office of Community-at-Large seat member of the Alameda Film Commission of the City of Alameda, for a term commencing May 16, 2006 and expiring pursuant to staggered term requirements of the Alameda Municipal Code and to serve until his successor is appointed and qualified.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form
CITY ATTORNEY

CITY OF ALAMEDA

Memorandum

Date: May 16, 2006

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Re: Public Hearing to Establish Proposition 4 Limit (Appropriations Limit) for Fiscal Year 2006-07; and Adoption of Resolution Establishing Appropriations Limit for Fiscal Year 2006-07

BACKGROUND

Proposition 4, commonly known as the Gann Initiative, was approved by the California electorate in November 1979. The purpose of the constitutional provisions and the implementing legislation is to restrict growth of tax-funded programs and services by limiting the appropriations of the proceeds of taxes to the 1978-79 base year limit, adjusted annually for changes in the population and inflation. Proceeds of taxes in excess of the limit, with limited exceptions, must be returned to the taxpayers within two years by refund or reduction in tax rates unless extension of the limit is approved by majority popular vote.

Proceeds of taxes include (1) all tax revenues, (2) proceeds from licenses and user fees to the extent that such fees exceed costs of providing services, (3) interest earnings from investment of tax revenues, and (4) discretionary state subventions. All other revenues, i.e. federal funds, enterprise fund revenues, and user fees that do not exceed the cost of providing services are excluded from the limit.

The voters approved Proposition 111 in June 1990. This proposition allows for new adjustment formulas for the required appropriations limit that are more responsive to local growth issues. The proposition also requires review by an independent auditor in conjunction with the annual financial report of the limit calculations.

The significant changes to the original Article XIIIB (Proposition 4) and its implementing legislation (Chapter 1205/80) as modified by Proposition 111 and SB 88 (Chapter 60/90) are as follows:

- A. Beginning with the 1990-91 Appropriations Limit, the annual adjustment factors changed. Instead of using the lesser of the California Per Capita Income or U.S. CPI to measure inflation, each city may choose:
 - a. Growth in the California Per Capita Personal Income **or**
 - b. Growth in the non-residential assessed valuation due to new construction within the city.

**Re: Public Hearing
and Reso 5-B
5-16-06**

- B. Additionally, instead of using only the population growth of the city, each city may choose to use the population growth within its county.

These changes in population and inflation are both annual elections.

DISCUSSION

The revised annual adjustment factors have been applied to arrive at Alameda's 2006-07 Limit. The following exhibits detailing the adjustment factors are attached:

1. Exhibit A: adjustment factors for calculation of the City's Annual Appropriations Limit
2. Exhibit B: revenue sources and estimated proceeds from taxes for 2006-07
3. Exhibit C: State Department of Finance January 1, 2006 Population Estimates for cities within Alameda County.

The Per Capital Personal Income change year-over-year is 3.96 percent as provided by the State Department of Finance. This factor and the County Population Change were selected as the incrementing factors for FY 2006-07.

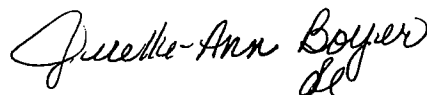
BUDGET/FISCAL IMPACT

The City's estimated proceeds of taxes constitute approximately 68.05 percent of the adjusted appropriations limit. The City's population posted a growth of 0.28% over the prior year while the County posted a growth of 0.66%. Personal per capita income percentage change over last year was 3.96%. These factors (County population change and personal per capita income change) were used to compute the Appropriations Limit for 2006-07

RECOMMENDATION

Adopt a resolution establishing the appropriations limit for fiscal year 2006-07 in the amount of \$74,177,671.

Respectfully submitted,



Juelle-Ann Boyer
Chief Financial Officer

JB:dl
Attachments (3)

**CITY OF ALAMEDA
ANNUAL APPROPRIATIONS LIMIT CALCULATIONS**

Fiscal Year	Original Appropriations Limit	Adjusted Appropriations Limit	Population Increase Within City	Population Increase Within County	Per Capita Income Increase
1985-86	\$25,964,962				
1986-87	27,125,274	\$27,125,274	2.12%	2.26%	2.30%
1987-88	28,380,866	28,442,612	1.12%	1.34%	3.47%
1988-89	29,843,020	30,217,535	0.47%	1.51%	4.66%
1989-90	31,960,066	32,361,149	1.81%	1.35%	5.19%
1990-91	33,658,624	34,182,194	1.06%	1.36%	4.21%
1991-92	36,804,086	36,804,086	3.39%	1.48%	4.14%
1992-93		37,307,224	2.02%	1.58%	-0.64%
1993-94		39,111,414	2.06%	1.55%	2.72%
1994-95		39,798,751	1.04%	0.97%	0.71%
1995-96		42,206,554	0.14%	1.27%	4.72%
1996-97		44,553,109	0.34%	0.85%	4.67%
1997-98		47,445,167	1.74%	1.74%	4.67%
1998-99		50,476,545	-1.32%	2.15%	4.15%
1999-00		53,501,816	0.60%	1.40%	4.53%
2000-01		56,734,946	0.12%	1.08%	4.91%
2001-02		62,254,356	1.77%	1.62%	7.82%
2002-03		62,244,474	1.25%	1.62%	-1.27%
2003-04		64,287,304	0.95%	0.82%	2.31%
2004-05		66,873,978	0.48%	0.72%	3.28%
2005-06		70,884,290	0.17%	0.70%	5.26%
2006-07		74,177,671	0.28%	0.66%	3.96%

Fiscal Year	Adjusted Appropriations Limit	Estimated Proceeds of Taxes	Taxes as a Percentage of Limit
1986-87	\$27,125,274	\$19,150,006	70.60%
1987-88	28,442,612	21,171,824	74.44%
1988-89	30,275,280	22,237,185	73.45%
1989-90	32,422,989	23,980,762	73.96%
1990-91	34,247,514	26,248,017	76.64%
1991-92	36,874,417	28,129,049	76.28%
1992-93	37,307,224	29,585,533	79.30%
1993-94	39,111,414	29,674,315	75.87%
1994-95	39,798,751	29,692,284	74.61%
1995-96	42,206,554	31,586,117	74.84%
1996-97	44,553,109	32,343,115	72.59%
1997-98	47,445,167	32,390,148	68.27%
1998-99	50,476,545	34,936,993	69.21%
1999-00	53,501,816	37,799,889	70.65%
2000-01	56,734,946	40,451,148	71.30%
2001-02	62,254,356	42,282,136	67.92%
2002-03	62,459,439	44,457,196	71.18%
2003-04	64,509,323	42,485,083	65.86%
2004-05	67,104,930	40,953,416	61.03%
2005-06	70,884,290	46,681,034	65.86%
2006-07	74,177,671	50,477,217	68.05%

CITY OF ALAMEDA
PROPOSITION 4 CALCULATION
FISCAL YEAR 2006-2007

REVENUE SOURCES	PROCEEDS FROM TAXES	NON PROCEEDS FROM TAXES	
PROPERTY TAXES			
General	\$ 19,174,898		
"Triple Flip" Subsidy		\$ 1,658,598	
			\$ 20,833,496
OTHER LOCAL TAXES			
Sales Tax	4,716,314	541,500	
Property Transfer Tax	5,582,504		
Utility Users Tax	8,177,170		
Transient Occupancy Tax	987,000		
PG&E Franchise Fees		202,000	
Garbage Franchise Fees		1,830,101	
Cable Franchise Fees		624,980	
Taxi Franchise Fees		2,500	
Housing Authority In Lieu Fees	210,000		
In Lieu Fees	1,298,856		
Golf Surcharge	321,111		
Construction Improvement Tax *	1,020,341		
			25,514,377
LICENSES & PERMITS			
Permit Tracking Fee		220,000	
Community Planning Fee		200,000	
Business Licenses	1,479,953		
Taxi Permits		1,000	
Bicycle Licenses		300	
Building Permits		2,000,000	
Encroachment Permits		-	
Electrical Permits		160,000	
Plumbing Permits		165,000	
Concrete Permits		-	
Miscellaneous Permits (Police)		1,000	
Fire Code*		110,000	
			4,337,253
USE OF PROPERTY			
Rents		111,100	
Concessions		-	
			111,100
FINES & FORFEITURES			
General		661,850	
Traffic School Fees		70,000	
			731,850
REVENUE FROM OTHER AGENCIES			
State Highway Maintenance		44,200	
State Mandate Reimbursement		173,000	
Booking Fees Reimbursement		200,000	
POST Reimbursements		71,164	
County Reimbursements			
Motor Vehicles In Lieu	6,323,003		
Park Fund Contributions		85,000	
Other Donations		26,500	
State Grant Public Services		110,160	
County Measure B	24,603		
Abandoned Vehicle Surcharge		95,000	
			7,152,630
CURRENT SERVICES			
General		6,523,098	6,523,098
CONTRIBUTIONS FROM OTHER FUNDS			
Transfers In		9,235,199	9,235,199
	<u>\$ 49,315,753</u>	<u>\$ 25,123,250</u>	<u>\$ 74,439,003</u>
As a percent of Total	66.25%	33.75%	
Allocation of Investment Income	<u>\$ 1,160,261</u>	<u>\$ 591,079</u>	<u>\$ 1,751,340</u>
	<u>\$ 50,476,014</u>	<u>\$ 25,714,329</u>	<u>\$ 76,190,343</u>

* Special Fund



DEPARTMENT OF
FINANCE

ATTACHMENT C

ARNOLD SCHWARZENEGGER, GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

RECEIVED

APR 26 2006

BY THE CITY OF ALAMEDA
FINANCE DEPARTMENT

May 2006

Dear Fiscal Officer:

Subject: Price and Population Information

Appropriations Limit

The California Revenue and Taxation Code, Section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2006, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2006-07. Enclosure I provide the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2006-07 appropriations limit. Enclosure II provides city and unincorporated county population percentage changes, and Enclosure IIA provides county and incorporated areas population percentage changes. The population percentage change data excludes federal and state institutionalized populations and military populations, as noted.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code, Section 2228, for the various population options available to special districts to assess population change in their district. Article XIII B, Section 9, of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. No State agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. Revenue and Taxation Code Section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 2, 2006.**

Please Note: City population estimates are controlled to independently calculated county population estimates. Due to county estimates revisions; prior year's city population estimates may have also been revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

Sincerely,

MICHAEL C. GENEST

Director

By:

VINCENT P. BROWN

Chief Deputy Director

Enclosure

May 2006

Enclosure I

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost-of-living factor to compute their appropriation limit by a vote of their governing body. The cost-of-living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the 2006-2007 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2006-2007	3.96

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2006-2007 appropriation limit.

2006-2007:

Per Capita Cost of Living Change = 3.96 percent
Population Change = 1.21 percent

Per Capita Cost of Living converted to a ratio: $\frac{3.96 + 100}{100} = 1.0396$

Population converted to a ratio: $\frac{1.21 + 100}{100} = 1.0121$

Calculation of factor for FY 2006-2007: $1.0396 \times 1.0121 = 1.0522$

Enclosure II
Annual Percent Change in Population Minus Exclusions (*)
January 1, 2005 to January 1, 2006 and Total Population, January 1, 2006

County City	<u>Percent Change</u> 2005-2006	<u>--- Population Minus Exclusions ---</u>		<u>Total</u> <u>Population</u>
		1-1-05	1-1-06	1-1-2006
ALAMEDA				
ALAMEDA	0.28	72,725	72,931	74,405
ALBANY	0.11	16,662	16,680	16,680
BERKELEY	1.28	104,049	105,385	105,385
DUBLIN	5.12	37,680	39,610	41,907
EMERYVILLE	3.84	8,221	8,537	8,537
FREMONT	0.35	209,421	210,158	210,158
HAYWARD	0.74	145,322	146,398	146,398
LIVERMORE	1.39	80,326	81,443	81,443
NEWARK	-0.02	43,494	43,486	43,486
OAKLAND	0.35	410,330	411,755	411,755
PIEDMONT	-0.03	11,002	10,999	10,999
PLEASANTON	0.82	67,321	67,876	67,876
SAN LEANDRO	0.03	81,046	81,074	81,074
UNION CITY	1.16	70,339	71,152	71,152
UNINCORPORATED	0.24	138,716	139,048	139,048
COUNTY TOTAL	0.66	1,496,654	1,506,532	1,510,303

(*) Exclusions include residents on federal military installations and group quarters' residents in state mental institutions, and state and federal correctional institutions.

CITY OF ALAMEDA RESOLUTION NO. _____

ESTABLISHING APPROPRIATIONS LIMIT FOR
FISCAL YEAR 2006-07

WHEREAS, pursuant to Article XIIB of the Constitution of the State of California, the City Council of the City of Alameda is required to establish an "Appropriations Limit" for fiscal year 1997-98; and

WHEREAS, the Appropriations Limit has been determined in accordance with uniform guidelines for Article XIIB of the California Constitution; and

WHEREAS, the voters approved Proposition 111 in June, 1990, which allows for new adjustment formulas for the appropriations limit calculation that is responsive to local growth issues.

The adjustment factors used to arrive at the 2006-07 limit are as follows:

1990-91	County Population increase of 1.36%; CPI of 4.21%
1991-92	City Population increase of 3.39%; CPI 4.14%
1992-93	City Population increase of 2.02%; CPI of -0.64%
1993-94	City Population increase of 2.06%; CPI of 2.72%
1994-95	City Population increase of 1.04%; CPI of 0.71%
1995-96	County Population increase of 1.27%; CPI of 4.72%
1996-97	County Population increase of 0.85%; CPI of 4.67%
1997-98	City Population increase of 1.74%; Per Capita Personal Income 4.67%
1998-99	County Population increase of 2.15%; Per Capita Personal Income 4.15%
1999-0	County Population increase of 1.40%, Per Capita Personal Income 4.53%
2000-01	County Population increase of 1.08%, Per Capital Personal Income 4.91%
2001-02	City Population increase of 1.77%, Per Capita Personal Income change of 7.82%

**Resolution #5-B
5-16-06**

Approved as to Form
CITY ATTORNEY

2002-03	County Population increase of 1.62%, Per Capita Personal Income change of -1.27%
2003-04	City Population increase of 0.95%, Per Capita Personal Income change of 2.31%
2004-05	County Population increase of 0.72%, Per Capita Personal Income change of 3.28%
2005-06	County Population increase of 0.70%, Per Capita Personal Income change of 5.26%
2006-07	County Population increase of 0.66%, Per Capital Personal Income change of 3.96%

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Alameda that said Council hereby establishes the Appropriations Limit in the amount of \$74,177,671 for fiscal year 2006-07.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

Memorandum

Date: May 16, 2006

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Public Hearing to Consider Collection of Delinquent Business License Fees
Via the Property Tax Bills

BACKGROUND

City of Alameda Ordinance No. 2655 added Section 5-7.2, entitled "License a Debt" and enacted several amendments and additions to the business license provisions of the Alameda Municipal Code. Specifically, the ordinances provided for the collection of delinquent business license fees and charges via the property tax bill. In order for this assessment to be valid, it must satisfy the basic requirements of due process. The owners must be given fair and adequate notice regarding the assessment and an opportunity for a hearing.

DISCUSSION/ANALYSIS

The Finance Department continually pursues collection of business license tax from owners and/or managers of commercial and multi-family residential rental properties with no current business licenses. Although the Business License Ordinance states that a notice or bill is not required, property owners are notified by mail using the last mailing address shown in the County tax records and are given ample time to respond prior to sending the final notices. This year the final notices were mailed on April 19, 2006. There were originally 68 rental properties identified as not having current licenses. In the interim, 30 parcels have paid with 38 parcels still unpaid. As in past years, payments will be accepted up through June 30, 2006, the date of filing with the County Tax Collector. Those parcels for which licenses and fees are paid will not be placed on the tax roll.

BUDGET/FISCAL IMPACT

Business license fees are due and payable on July 1st of each year and are deemed delinquent if not paid by July 31st of each year. Collection efforts ensued from August 2005 through April 2006. The total uncollected license fees are \$5,629.28. Ten percent penalty is imposed for every month the fee is delinquent up to a maximum of 60% of the annual fee. The total late charge included in the amount due as shown in the attached list is \$3,907.49.

**Re: Public Hearing 5-C
5-16-06**

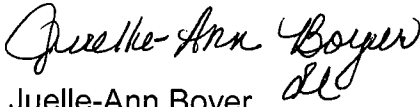
Honorable Mayor and
Councilmembers

May 16, 2006
Page 2 of 2

RECOMMENDATION

Authorize collection of delinquent business license fees via the property tax bills.

Respectfully submitted,


Juelle-Ann Boyer
Chief Financial Officer

JB:dl

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Attachment

2006 Business License Attachments

Count	B/L #	Parcel #	Owner's Name	Location		License Fee		License Fee+
						Amount Due	Late Charge	Late Charge
1	027967	74-1035-47	Alameda Autoworks	69	Garden Road	318.00	121.20	439.20
2	011262	72-373-7	Beering, Frank K. & Lori	1351	Bay Street	80.00	88.00	168.00
3	026212	70-152-52	Berg, Torbjorn	1362	Broadway	40.00	24.00	64.00
4	020745	74-1339-24	Chavez, Marco	1141	Harbor Bay Parkway	0.00	565.52	565.52
5	016548	73-417-8	Chin, Sam	729	Pacific Avenue	160.00	96.00	256.00
6	025149	71-261-4	Dang, Con P. & Cam V.	1916	Buena Vista Avenue	120.00	72.00	192.00
7	004710	73-419-40	Davis, Rupert & Linda	720	Lincoln Avenue	140.00	84.00	224.00
8	N/A	71-233-19	DeCelle, Walter & Holly	2127	Lincoln Avenue	160.00	96.00	256.00
9	016982	73-391-46	Dich, Cuong A.	905	Taylor Avenue	80.00	48.00	128.00
10	008843	73-383-10	Dinh, Nam V. & Crystal P.	1025	Buena Vista Avenue	100.00	60.00	160.00
11	008620	74-1230-57-1	Doherty, John M.	855	Cedar Street	240.00	144.00	384.00
12	010256	74-463-4	Douliabi, Kathy	345	Lincoln Avenue	60.00	36.00	96.00
13	028676	74-458-14	Eng, Paula	323	Cypress Street	80.00	72.00	152.00
14	022019	74-1235-71	Hall, Darrell	2004	Clinton Avenue	60.00	36.00	96.00
15	026769	74-428-17	Holder, Marcus & Rebecca	606	Haight Avenue	80.00	48.00	128.00
16	N/A	69-109-149	Hsiao, Chiali	3217	Fernside Blvd.	200.00	120.00	320.00
17	022095	71-275-6	Huie, Jennifer	1829	Encinal Avenue	80.00	48.00	128.00
18	N/A	74-446-9-5	Khoo, Soon H.	451	Central Avenue	0.00	36.00	36.00
19	028518	72-329-9	Koka, Esther	1591	Pacific Avenue	80.00	48.00	128.00
20	300840	74-1329-29	Mitchell, Daniel	741	Limerick Lane	260.00	156.00	416.00
21	005137	71-235-21	Navid, Iraj	2105	Central Avenue	300.00	180.00	480.00
22	016895	71-246-24	Navid, Iraj	1220	Chestnut Street	120.00	72.00	192.00
23	022758	69-76-53	Nicol, Robert & Susann	3264	Briggs Avenue	100.00	60.00	160.00
24	N/A	70-159-44	Oh, Myong & Soon	1634	Broadway	80.00	48.00	128.00
25	029623	71-253-15	Parker, Paul A. & Tonya	2023	Buena Vista Avenue	100.00	60.00	160.00
26	N/A	72-300-5	Peralta, Lourdes	1529	Minturn Street	200.00	120.00	320.00
27	025132	72-367-12	Ravet Properties	1213	Lincoln Avenue	316.00	189.60	505.60
28	003479	71-259-4	Rushing, Dillard B. & Della M.	1921	Chestnut Street	200.00	120.00	320.00
29	010962	74-442-40	Shelly, Michael	546	Santa Clara Avenue	100.00	120.00	220.00
30	N/A	71-233-4	Skilling, Shawna E.	1611	Walnut Street	120.00	72.00	192.00
31	025527	72-304-21	Stickles/Mattos	1201	Union Street	60.00	36.00	96.00
32	024926	71-200-22	Stone, Frederick & Terry	2303	Pacific Avenue	135.00	81.00	216.00
33	028555	71-250-31	Tran, Luu & Cuon	2004	Pacific Avenue	80.00	60.00	140.00
34	024919	73-390-24	Trinidad, Corazon and Yang, Lynne	932	Lincoln Avenue	120.00	72.00	192.00

2006 Business License Attachments

35	008764	70-188-14-2	Wittenau, Michael Von	1424	Park Street	413.28	247.97	661.25
36	008763	70-190-22	Wittenau, Michael Von	1532	Park Street	402.00	241.20	643.20
37	008707	72-318-7	Wourms, William F.	1630	Lincoln Avenue	80.00	48.00	128.00
38	020050	74-1352-61	Wu, Stephanie	8	Sanderling Court	365.00	81.00	446.00
					Total:	5,629.28	3,907.49	9,536.77

City of Alameda

Interoffice Memorandum

May 16, 2006

To: The Honorable Mayor and
Members of the City Council

From: Debra Kurita
City Manager

Re: Recommendation to Award Contract in the Amount of \$1,050,505.00 to McGuire and Hester, and authorize a 10% contingency in the amount of \$105,100.00, for the Construction of Bayport 4-acre Park

Background

On January 17, 2006, the City Council authorized the solicitation of bids for Bayport Alameda Park Project No. 83140100. Following a bid protest on April 4, 2007, the City Council authorized staff to re-bid the project.

Discussion

The Project was re-bid on April 7, 2006 and re-advertised for 25 days. To solicit the maximum number of bids and obtain the most competitive price, specifications were provided to 18 separate Building Exchanges throughout the Bay Area, including Building Exchanges which provide construction reporting, online databases, education, resources and other services for the construction industry. In addition, a notice of bid was published in the *Alameda Journal*, and a link to *ebidboard.com* through the City's website was established. A total of eight contractors attended the mandatory pre-bid meeting, which was held on April 13, 2006.

Bids were opened on May 2, 2006. Two contractors submitted bids as follows:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid</u>
McGuire & Hester	Oakland	\$1,050,505.00
Cleary Brothers Landscape, Inc.	Danville	\$1,057,000.00

The engineer's construction estimate for the 4-acre park and related improvements ranged between \$1,150,850.00 and \$1,268,800.00. The 4-acre park bid includes ball fields, a youth play area, picnic area, restrooms, and off-street parking.

Staff is recommending that the contract be awarded to McGuire and Hester, the apparent low bidder for construction of the park and related improvements. The contract is on file in the City Clerk's Office.

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Budget Consideration/Financial Impact

The project budget for the park is included in the Catellus / Bayport Project Budget approved by the CIC and City Council in April 2005, and will be funded with CIC project revenues generated from the Catellus / Bayport Project. The maintenance of the park will be paid from funds collected through the "Supplemental Community Facilities District Special Tax" established for the Bayport residential project. This project will not require any supplemental appropriations or have any fiscal impact on the City's General Fund.

Municipal Code/Policy Document Cross Reference

The Project Plans and Specifications and the call for bids have been prepared in accordance with the Alameda Municipal Code.

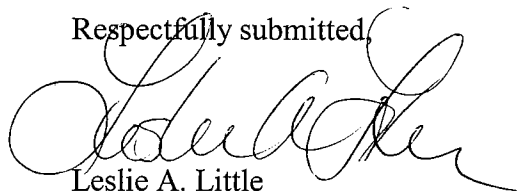
Environmental Review

The new park and school were included in the original environmental review for the Catellus Mixed-Use Project and are in compliance with the approved Catellus Alameda Project Master Plan and Site-wide Landscape Development Plan. No additional CEQA review is required.

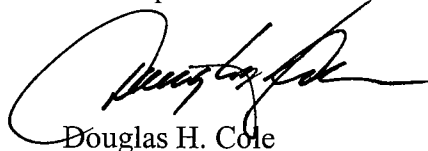
Recommendation

Award the contract in the amount of \$1,050,505.00 to McGuire and Hester, authorize a ten percent contingency in the amount \$105,100.00, for the Bayport Alameda Park Project and authorize the City Manager to execute the Contract for Construction and related documents.

Respectfully submitted,



Leslie A. Little
Development Services Director



Douglas H. Cole
Redevelopment Manager

LAL\DC: dc

On File with the City Clerk's Office:
Contractor Agreement, Insurance & Bonds

DRAFT

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY,
AND COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -MAY 2, 2006- -7:31 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 9:46 p.m.

ROLL CALL - Present: Councilmembers / Board Members /
Commissioners Daysog, deHaan, Gilmore,
Matarrese and Mayor/Chair Johnson - 5.

Absent: None.

MINUTES

(06- CC/06- CIC) Minutes of the Special Community Improvement Commission (CIC) Meeting, and the Special Joint City Council, Alameda Reuse and Redevelopment Authority, CIC and Housing Authority Board of Commissioners Meeting held on April 18, 2006. Approved.

Councilmember/Board Member/Commissioner Matarrese moved approval of the minutes.

Councilmember/Board Member/Commissioner deHaan seconded the motion which carried by the following voice vote: Ayes Councilmembers/Board Member/Commissioners Daysog, deHaan, Matarrese and Mayor/Chair Johnson - 4. Abstentions: Vice Mayor/Board Member/Commissioner Gilmore - 1.

AGENDA ITEM

(06- CC/06- CIC) Recommendation to accept the Fiscal Year 2006 Third-Quarter Financial Report and approve Budget Adjustments.

The Finance Director provided a brief presentation.

Vice Mayor/Board Member/Commissioner Gilmore inquired what was the booking fee reimbursement which results in a \$200,000 reduction.

The Finance Director responded that the State appropriates a reimbursement for fees that the City pays to the County for booking prisoners; the State took the reimbursement fee out of the General Fund budget during Fiscal Year 2006; the reimbursement fee will be included in the Fiscal year 2007 budget.

Councilmember/Board Member/Commissioner deHaan moved approval of the staff recommendation.

Councilmember/Board Member/Commissioner Daysog seconded the motion, which carried by unanimous voice vote - 5.

(06- CC/06- CIC) Discussion of City Attorney/General Counsel Legal Services and staffing options. **Not heard.**

ADJOURNMENT

(06- CC) There being no further business, Mayor/Chair Johnson adjourned the special joint meeting in sympathy and respect for the family of Fire Captain Rick Zombeck at 9:49 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

DRAFT

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
WEDNESDAY- -MAY 3, 2006- -6:31 P.M.

Chair Johnson convened the Special Meeting at 7:25 p.m.

Roll Call - Present: Commissioners deHaan, Gilmore, Matarrese
and Chair Johnson - 4.

Absent: Commissioner Daysog - 1.

The Special Meeting was adjourned to Closed Session to consider:

(06-) Conference with Legal Counsel - Existing Litigation; Name
of case: Community Improvement Commission v. Cocores Development
Company.

Following the Closed Session, the Special Meeting was reconvened
and Chair Johnson announced the Commission received a briefing
regarding the existing litigation and gave direction to legal
counsel.

Adjournment

There being no further business, Chair Johnson adjourned the
Special Meeting at 7:45 p.m.

Respectfully submitted,

Lara Weisiger
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown
Act.

CITY OF ALAMEDA

Memorandum

To: Honorable Chair and
Members of the Community Improvement Commission

From: Debra Kurita
Executive Director

Date: May 16, 2006

Re: Recommendation to Approve the Amended Contract with Komorous-Towey Architects, Inc. by Increasing the Contract Amount by \$27,200 to Provide Additional Architectural and Construction Administration Services for the Civic Center Parking Garage

BACKGROUND

The City of Alameda retained Komorous-Towey Architects (KTA) to develop revised designs for the facades of the proposed parking garage and cineplex located in the Park Street Business District at the corner of Oak Street and Central Avenue in September 2005. On December 6, 2005, the CIC amended KTA's contract to provide additional support to the City for bid packet preparation for the garage and limited construction administration services as the designer of the garage for a total contract amount of \$143,200. The proposed contract amendment is for \$27,200, resulting in a total contract amount of \$170,400. The amendment, including a copy of the original contract, is on file with the City Clerk.

DISCUSSION

In response to comments received from the California State Historic Preservation Officer (SHPO), KTA was utilized to modify the cineplex and parking garage facades. This work exhausted the funds remaining in KTA's contract budget. As a result, additional budget is required for KTA to fulfill their previous scope of work pertaining to the limited construction administration services for the garage. The City will also utilize KTA to review construction drawings for the cineplex in response to a recommendation made by the City's Section 106 consultant and to attend and prepare a submittal for the June 12, 2006 Planning Board meeting related to KTA's already prepared lighting, landscaping, and signage plans for the garage. These plans for the garage were prepared in response to a condition of Design Review Approval for the project on March 21, 2006.

Staff has also summarized the City's total actual and projected expenditures on professional architectural services for both the historic Theater and parking garage and compared them to projected construction costs in the attached Table 1. The City is expecting to expend \$1.8 million in design services, which includes urban design planning and entitlement expenditures funded early in the pre-development process by

**Report 1-B
Special Joint Meeting
5-16-06**

annual tax increment, instead of bond proceeds. These urban planning expenditures are not typically included in a calculation of construction related architectural fees. Additionally, these design expenditures include Komorous-Towey Architects costs of re-designing the façade of the cineplex and the amount proposed in this contract amendment. These pre-development design expenditures represent 12 percent of the projected construction costs for the rehabilitation of the theater and the parking garage. Architectural fees typically range from 10 to 12 percent as a percentage of hard construction costs, and these fees are well within industry standards.

Under a separate contract, KTA will also be preparing a 3-D physical massing model of the proposed Alameda Theater project and its surrounding area (see attached site plan) for approximately \$30,000. The model will be constructed to a scale of 1/16"=1'-0." The base of the model will be approximately 9'-3" by 6'-3" and may include six or more pieces for ease of handling. The base will be of a rigid board approximately ¼" thick, and the buildings will be high-density white foam. The model will be complete for public review by June 20, 2006.

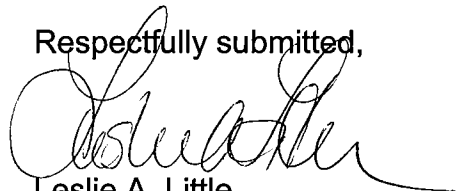
BUDGET CONSIDERATION/FINANCIAL IMPACT

This project will be funded by the 2003 Merged Area Bonds and will not impact the General Fund. Architectural fees for this scope of work will not exceed \$27,200 for a total contract amount of \$170,400.

RECOMMENDATION

Approve the amended contract with Komorous-Towey Architects, Inc. by increasing the contract amount by \$27,200 to provide additional architectural and construction administration services for the proposed parking garage and cineplex projects.

Respectfully submitted,



Leslie A. Little
Development Services Director

By: Dorene E. Soto
Manager, Business Development
Division

Honorable Chair and
Members of the Community Improvement Commission

May 16, 2006
Page 3 of 3



Jennifer Ott
Development Manager

DK/LAL/DES/JO:rv

Attachments

cc: Komorous-Towey Architects, c/o Thomas J. Towey

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Table 1
Actual and Projected Design Expenditures for Downtown Theater Project

Item	Total	Notes
Design Expenditures		
Actual	\$1,062,659	Includes conceptual urban design planning not typically included in calculation of architectural fees; KTA design costs related to cineplex façade redesign; and expenses funded by annual tax increment, not bond proceeds.
Proposed KTA Contract Amendment	\$27,200	
Projected	<u>\$728,898</u>	Includes projected design expenses related to design-build contract and construction administration expenses for garage and theater.
Total Design Expenditures	\$1,818,757	
Construction Costs		
	\$15,323,600	Estimated construction costs for theater rehabilitation and parking garage only. Excludes City costs towards cineplex.
Design as % Construction	12%	

CITY OF ALAMEDA
MEMORANDUM

Date: May 16, 2006

To: Honorable Mayor and Council Members

Honorable Chair and Members of the
Alameda Reuse and Redevelopment Authority

Honorable Chair and Members of the Community Improvement Commission

Honorable Chair and Members of the Housing Authority Board of Commissioners

From: Debra Kurita
City Manager/Executive Director

Re: Resolution Adopting an Expense Reimbursement, Compensation and Ethics Training
Policy

BACKGROUND

In response to the results of audits of some public entities which showed unreasonable expenditures by public officials, the State adopted legislation designed to increase accountability for reimbursement of members of local legislative bodies and to require certain elected and appointed officials to receive ethics training. Compensation provisions were included with regard to special districts.

DISCUSSION

In 2005, the State Legislature adopted Assembly Bill 1234 (the "Local Government Sunshine Bill") that imposes new restrictions on the manner by which members of the legislative bodies of local government agencies may receive reimbursement for expenses. In addition to new restrictions imposed upon expense reimbursement, AB 1234 requires members of local legislative bodies to receive specific ethics training at least once every two years. In Alameda, Assembly Bill 1234 affects the City Council, the Community Improvement Commission, the Housing Authority and the Alameda Reuse and Redevelopment Authority as well as all other appointed City Boards and Commissions and the elected auditor and treasurer. The bill also placed restrictions on compensation for special district officials.

AB 1234 Expense Reimbursement Requirements

AB1234 requires the adoption of an expense reimbursement policy for local elected or appointed officials that specifies the type of activities that will be reimbursable. If an activity is not specifically listed within the policy as reimbursable, the member of the legislative body has the option of seeking prior approval for such reimbursement from the legislative body at a public meeting. Local agencies must use expense report forms and all expenses must be documented with receipts and be submitted

Re: Reso 2-A
Special Joint Meeting
5-16-06

within a reasonable time. These documents are public records subject to disclosure. The law also requires members of legislative bodies to provide a report, either orally or in writing, on those events attended at public expense at the next meeting of the legislative body.

AB 1234 Ethics Training Requirements

In order to further implement the objectives of ensuring good government practices and the transparency of public sector operations, AB1234 also requires ethics training for certain government officials. The new law requires that any member of a local legislative body who receives reimbursement or compensation take two hours of ethics training every two years. In addition, AB 1234 requires that the local agency maintain public records documenting the dates each local agency official received the required ethics training as well as the identity of the entity providing the training. The legislation specifies that, at a minimum, the content of the ethics training must include: the laws related to personal gain by public officials, including conflict of interest and bribery; laws related to claiming prerequisites of office, including gift and travel restrictions; government transparency laws, including financial interest disclosure and open government laws; and laws related to fairness of processes, including common law bias, due process requirements, incompatible offices, competitive bidding requirements and disqualification from participating in decisions affecting family members.

Proposed Expense Reimbursement, Compensation and Ethics Training Policy

1) Reimbursement of Expenses

The proposed Expense Reimbursement, Compensation and Ethics Training Policy (the "Policy") provides that a member of the City Council or any other legislative body, may receive reimbursement for expenses incurred for any of the following activities:

- A) Communicating with representatives of regional, state, national or local government and their various agencies on Agency adopted positions or policies;
- B) Attending educational seminars designed to improve Agency members skill and information levels;
- C) Participating in regional, state, national or local organizations related to the Agency's mission;
- D) Attending events recognizing service to the Agency;
- E) Attending local events which are related to the mission of the Agency
- F) Implementing an Agency-approved strategy for attracting and retaining business to the City, which typically involve at least one staff member;
- G) Charitable events for institutions which have a purpose directly related to the Agency's mission; and
- H) All other expenditures, including international travel, with the prior approval of the legislative body of the Agency.

The personal portion of any trip, political contributions or events, family expenses, entertainment expenses, non-mileage automobile expenses and personal losses are specifically non-reimbursable.

The Policy also imposes controls on the costs of reimbursable items such as travel and lodging. Specifically, the Policy requires that reimbursable costs for air travel be based upon the shortest and most direct flights, in "coach" class, and utilizing government or group rates when available, unless approved by the legislative body prior to travel. For local travel, the use of City-owned vehicles is encouraged. For the Mayor and Members of the City Council, the City Treasurer and City Auditor, past mileage data has indicated that a flat mileage allowance based upon an assumption of 167 miles traveled per member per month for travel within the nine-County Bay Area is the most appropriate reimbursement methodology. For private vehicle travel for all other members of legislative bodies and for travel by City Council members outside the nine County Bay Area, reimbursement shall be based on the lesser of the least cost round-trip air travel available or the allowable mileage reimbursement rates as set by the Internal Revenue Service. Necessary rental car expenses are reimbursed at rates that are equal or less than the rates available through the State of California's travel program. Taxi fares are reimbursable and include a 15% gratuity. Tolls are reimbursable as well.

Lodging is reimbursable provided the travel is outside a 50-mile radius of Alameda or the event to be attended starts before 8:00 a.m. or ends after 10:00 p.m. The rates for reimbursement for lodging cannot exceed the rate published by the conference or event sponsor, where applicable, and where not applicable, the rate established by the Internal Revenue Service for the community in which the activity takes place. Government lodging rates should always be requested.

In addition to travel and lodging, members of local legislative bodies are entitled to reimbursement for meals consumed during the period of the event or activity equivalent to the per diem rate provided to Alameda employees, so long as the member produces receipts. Members who host meals in conjunction with Agency related business shall be reimbursed for the actual cost of the meal in accordance with the Internal Revenue Service rate for the community where the activity or event is taking place. The actual cost for telecommunications services (FAX, Internet up to \$15 per day and telephone costs) is also reimbursable.

Members may request cash advances sufficient to cover the anticipated cost of expenses while traveling or doing business for the Agency. However, the member must keep receipts for such expenditures and return any cash requested which is above the amount of the total in the submitted receipts. To receive reimbursement for allowable expenses, the member must submit to the Finance Department a Travel and Expense Form and Report within a reasonable time after incurring the expense but in no event greater than 30 days. Finally, the

Policy provides that the use of an Agency issued credit card for reimbursable expenses is permissible providing that the credit card may at no time be used for personal expenses even if the member subsequently reimburses the agency.

Violations of the Policy, including the falsification of expense reports, may result in the loss of reimbursement privileges, demand for restitution to the agency and any other applicable state or federal penalties including criminal prosecution. The Agency shall only consider the revocation of a members reimbursement privileges or a demand for restitution to the Agency at a public meeting.

2) Ethics Training

The Policy provides that in addition to the Mayor, City Council Members and members of all other legislative bodies within Alameda, the City Manager, the City Attorney and the City Clerk shall also be required to obtain the ethics training. The Agency shall maintain records of the required training for five years after the training is received and those records shall be considered public documents under the Public Records Act.

3) Compensation

The compensation for the Mayor and Members of the City Council is set forth in the City Charter. The compensation for other Agency legislative board members is set forth in State law. No other compensation may be provided.

BUDGET CONSIDERATION/FINANCIAL IMPACT

It is estimated that there will be a minimal impact on the current year budget in order to accomplish the required ethics training. As a more exact cost is known, adjustments will be brought to the Council during a quarterly budget review. There are no perceived budgetary impacts on the other non-general fund budgets as a result of this policy being imposed on those legislative bodies.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed policy is in compliance with the various Charter sections (2-1.1, 2.4, 3-7(I) and 6-4) authorizing compensation for the Mayor and City Council.

Honorable Mayor and
Councilmembers

Page 5
May 16, 2006

RECOMMENDATION

Approve the Resolution Adopting an Expense Reimbursement, Compensation and Ethics Training Policy as presented.

Respectfully submitted,

A handwritten signature in black ink, reading "Juelle-Ann Boyer". The signature is written in a cursive, flowing style. The first name "Juelle-Ann" is written in a larger, more prominent script, and "Boyer" is written in a slightly smaller, more compact script. The signature is positioned above the printed name and title.

Juelle-Ann Boyer
Chief Financial Officer

JAB/DB:dl

Attachment

EXPENSE REIMBURSEMENT, COMPENSATION AND ETHICS TRAINING POLICY

I. Policy Statement

The City of Alameda and its related Agencies recognize the constructive value of professional conferences, seminars, meetings and training and provides travel funds for officials, who attend such official events. Agency members shall be entitled to reimbursement for their reasonable, actual and necessary expenses associated with travel, meals, lodging and other actual and necessary expenses associated with attending such events in a manner and in the amounts as set forth in this policy. This policy shall apply to the City Council and members of the Community Improvement Commission, the Housing Authority Board of Commissioners and the Alameda Reuse and Redevelopment Authority. It shall also apply to the members of the following municipal legislative bodies: Civil Service Board, Commission on Disability Issues, Economic Development Commission, Film Commission, Golf Commission, Historic Advisory Board, Housing and Building Code Hearing and Appeals Board, Housing Commission, Library Board, Pension Board, Planning Board, Public Art Commission, Public Utilities Board, Recreation and Park Commission, Social Service Human Relations Board, and Transportation Commission.

This policy is formally adopted by the City Council, Community Improvement Commission, Housing Authority Board of Commissioners and Alameda Reuse and Redevelopment Authority and any changes thereto shall also be adopted by the Agencies.

II. Definitions

For purposes of this policy, the following definitions shall apply:

- A. "Agency" shall include the City, Community Improvement Commission, Housing Authority Board of Commissioners, and Alameda Reuse and Redevelopment Authority.
- B. "Member" shall include members of City Council, the Community Improvement Commission; the Housing Authority Board of Commissioners; Alameda Reuse and Redevelopment Authority; and municipal legislative bodies, i.e. Civil Service Board, Commission on Disability Issues, Economic Development Commission, Film Commission, Golf Commission, Historic Advisory Board, Housing and Building Code Hearing and Appeals Board, Housing Commission, Library Board, Pension Board, Planning Board, Public Art Commission, Public Utilities Board, Recreation and Park Commission, Social Service Human Relations Board, and Transportation Commission.

III. Authorized Expenses

Agency funds, equipment, supplies (including letterhead), titles, and staff time may only be used for authorized Agency business. Expenses incurred by Members engaging and/or participating in the following activities and/or events constitute authorized and reimbursable expenses (as long as other requirements of this policy are also met):

- A. Communicating with representatives of regional, state, national and local government and their various agencies and entities on Agency adopted or authorized policy positions;
- B. Attending educational seminars designed to improve Agency members' skill and information levels, including ethics training to fulfill the requirements of AB1234;
- C. Participating in regional, state, national, and local organizations related to the Agency's mission;
- D. Recognizing service to the Agency, e.g. thanking a longtime employee with a retirement gift or celebration of nominal cost;
- E. Attending local events which are directly related to the mission of the Agency e.g. Chamber of Commerce;
- F. Implementing an Agency-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member;
- G. Charitable events for institutions which have a purpose directly related to the Agency's mission; and
- H. All other expenditures, including international travel, with prior approval of the legislative body of the Agency.

IV. Unauthorized Expenses

The following expenditures incurred by Members in the course and scope of their official duties shall not be reimbursed without prior Agency approval:

- A. The personal portion of any trip;
- B. Political contributions or events;
- C. Family expenses, including those of a spouse/domestic partner when accompanying Member on official business, child or pet care;
- D. Entertainment Expenses, including theater, shows, movies (either in-room or at the theater), sporting events, golf, spa treatments, or other cultural events, etc.
- E. Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic and parking citations;
- F. Personal losses incurred while on Agency business.

V. Cost control

To conserve Agency resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Agency will be limited to the costs that fall within the guidelines, unless prior approval from the Agency is obtained at a public meeting.

A. Transportation

All travel on Agency business shall be planned to provide for the most economical mode of transportation reasonably available. Reasonable travel modes include: Air, private car and city-owned car.

Travel expenses shall be allowed or reimbursed for days actually spent on Agency business, for programmed days of a conference or meetings, and for time spent in travel to and from these events.

Expenses shall be computed for the days of the conference or event attended and for travel days not to exceed one day before and after the event and shall be allowed only if time and/or travel schedules prohibit travel at reasonable hours on the actual beginning and ending days of a conference. Reasonable hours are defined as between 7 a.m. and 11 p.m. Reimbursement for more than one day of travel to and from the destination must be approved in advance by the Agency.

1. Air Travel

Allowable costs for air travel shall be calculated by using the shortest and most direct route with the least number of en-route stops. All air travel shall be booked as far in advance as possible, so as to receive the lowest fares possible except where the lowest fare is for an overnight flight, which may be chosen by the individual but is not required. Members shall use government and group rates for travel offered in conjunction with the event when available. A Member shall not be reimbursed for the cost of first class air travel except in extraordinary circumstances and approved by the Agency.

2. City Car

Use of a city-owned car by Member is considered more economical than a private car. However, such use is limited to the availability of a pool car and is not mandatory. There shall be no allowance or reimbursement for transportation when a City-owned vehicle is used. However, any out-of-pocket expenses, including gas or maintenance costs incurred in operating the vehicle shall be

reimbursed upon presentation of receipts attached to the Travel and Expense Claim Form and Report.

3. Use of Private Vehicle

- a. Official duties of the Mayor and City Council Members require travel within the nine bay area counties. Based on mileage data, the amount of 167 miles is deemed reasonable for reimbursement on a monthly basis. The present Internal Revenue Code rate will be used to calculate the dollar amount.
- b. For travel by other Members or outside the nine bay area counties, if a personal vehicle is used for travel, reimbursement shall be based on the lesser of the following two costs:
 - 1) The least cost round-trip air travel available, or
 - 2) The allowable per mile cost, as defined in the Internal Revenue Code (with annual adjustments in the Internal Revenue Code), from Alameda.
- c. Car Rental
If a car rental is necessary, reimbursement will be at rental rates that are equal or less than those available through the State's travel program (www.catravelsmart.com).
- d. Taxis/Shuttles
Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
- e. Miscellaneous costs.
Bridge fares and road tolls, etc. are also reimbursable.

B. Lodging

1. Local Accommodations
Except where necessary and where approved in advance by the Agency, when possible, at a publicly noticed meeting, the Members will not be reimbursed for hotel expenditures incurred for events occurring within a 50-mile radius of Alameda except where the event begins before 8 a.m. or ends after 10 p.m. In the event reimbursement is warranted, such reimbursement shall be only for the reasonable rate of said accommodations as set forth below.
2. Non-local Accommodations
All Members traveling outside the 50-mile radius of Alameda shall be reimbursed the reasonable cost of the lodging and may either receive funds in advance, use a City-issued credit card, or be reimbursed for personal funds expended upon return from the trip.

Reimbursable days for lodging requests should correspond to the foregoing travel policy regarding dates of arrival and departure. Members are authorized for reimbursement for hotel accommodations for single occupancy.

3. Reasonable Rates for Lodging

Where the lodging is in connection with a conference or other organized educational activity, reimbursable lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, providing that lodging at the group rate is available at the time of booking. If the group rate is not available, the Member shall be entitled to reimbursement for actual costs of lodging that is comparable in location and quality. Government rates must be requested.

Where lodging is necessary for an activity that is not related to a conference or other organized educational activity, reimbursement shall be provided at the rate established by the Internal Revenue Service for the community in which the activity takes place unless there are no lodging facilities in reasonable proximity to the activity which offer that rate at the time of booking. In the event there are no such lodging facilities available at the IRS reimbursement rate, reimbursement shall be at the actual lodging rate so long as the activity has been approved by the Agency. In the event there is not enough time to seek prior approval of the activity by the Agency, approval shall be sought and received as soon thereafter as reasonably possible. In the event the Agency does not approve the activity for which the expenditure was made, the Agency member shall not be reimbursed therefore.

VI. Miscellaneous Expenses Associated with Travel Outside Alameda

Members shall be entitled to reimbursement for miscellaneous expenses incurred in the performance of their duties and in the course and scope of their activities as Members and which are reasonably related to Agency business including:

- A. Actual cost of telecommunication and fax charges when Members are away from an Agency worksite.
- B. Actual cost of telephone expenses, however, Members should endeavor to use Agency-provided calling cards or Agency-issued cell phones, if possible. If personal telephone or cell-phone bills are submitted for reimbursement, reimbursement will be calculated based on a percentage of total calls.
- C. If Internet access is necessary for Agency-related business, reimbursement will be at a maximum of \$15 per day.

- D. Reasonable laundry and/or dry cleaning charges when necessarily related to the activity while traveling on City business.
- E. Other miscellaneous charges reasonably related and necessary to the activity, including gratuities, parking, shuttle and taxi charges.

VIII. Meals

Members shall be entitled to reimbursement for meals and associated gratuities in an amount equivalent to the per diem rate provided to Agency employees, however, they shall be required to submit actual receipts documenting the expense as set forth below. Where the community standards and/or prevailing restaurant costs of the area exceed the per diem rate, Members shall be reimbursed for the actual costs of such meals and associated gratuities. Alcohol and bar expenses shall not be compensated without prior approval by the legislative body of the Agency.

Where Members are attending a conference or other organized educational activity, and a meal or meals are provided as part of the activity, Members shall not be reimbursed for any separate meal unless dietary needs require that the Council member purchase a different meal and/or city-related business necessitates that the Agency member miss the hosted meal.

Members who host a meal or meals in conjunction with an Agency-related business activity, shall be reimbursed for the actual costs of the meal and associated gratuities in accordance with the IRS schedule for the community in which the meal is eaten.

VIII. Miscellaneous Expenses

The Mayor and Council Members may be supplied with various communication equipment and services including but not limited to cellular phones, facsimile connections and Internet connections. These services are deemed necessary for the public purposes of the Agency.

IX. Cash Advance Policy

From time to time, it may be necessary to request a cash advance to cover anticipated expenses while traveling or doing business for the Agency. Such request for an advance should be submitted to the City Manager's Office, at least 14 days prior to the need for the advance with the following information:

- A. The purpose of the expenditure(s);
- B. The benefits of such expenditures to the community;
- C. The anticipated amount of the expenditure(s) by type (for example, hotel rates, meal costs, transportation, etc.); and,
- D. The dates of the expenditure(s).

Any unused advance must be returned to the Agency treasury within two business days of the Member's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event there is uncertainty as to whether a request complies with this policy, a resolution will be sought from the Agency.

X. Expense Reports

In order to receive reimbursement Members shall complete and submit to the Finance Department a Travel and Expense Claim Form and Report ("Expense Report") within a reasonable time after incurring the expense and in any event no later than 30 days thereafter. The expense report shall be accompanied by all receipts documenting each expense, including those acquired by the use of an Agency credit card or through any cash advance. The Member shall verify that the expenses for which reimbursement is sought were incurred on behalf of the Agency in the performance of official duties and that they meet the policies established in this policy. Inability to provide such documentation in a timely fashion may result in the expense being borne by the Member. All expenses are subject to verification that they comply with this policy.

Members shall provide a brief report on meetings attended at the expense of the Agency at the next regular meeting of the relevant legislative body of the Agency. If multiple Members attended the same event, a joint report may be made.

All documents related to reimbursable expenditures, including but not limited to the Expense Report and actual receipts are public records subject to disclosure under the California Public Records Act. Any personal information including credit card numbers contained on any receipts may be redacted before publicly releasing such records.

XI. Credit Card Use

Use of an Agency-issued credit card shall be permissible for the reimbursable expenses listed herein. The credit card may not be used at any time for personal expenses, even if the Member subsequently reimburses the Agency.

XII. Policy Violations

Violations of this policy including falsifying expense reports may result in any or all of the following: (1) loss of reimbursement privileges, (2) demand for restitution to the Agency, (3) any other applicable state and federal penalties, including criminal prosecution. The Agency shall consider (1) or (2) above only at a publicly noticed Agency meeting at which a hearing shall be held to determine whether or not a Member has violated the policy and what the appropriate penalty shall be. The determination as to whether or not to hold such a hearing may be made only after a vote of a majority of the Agency members present at any meeting during which the matter is considered. The hearing shall not be a full adversarial evidentiary hearing, and there shall be no direct or

cross examination of witnesses except by the Members of the Agency. The Member who is being accused of violating the policy shall be entitled to present any evidence to the Agency as to the validity and propriety of expenditures for which reimbursement was sought. The Member being accused of violating the policy shall not participate in either the decision to hold the hearing or the decision on the hearing.

XIII. Compensation

The compensation of a Member of an Agency is set forth in the City Charter, or for any Agency not governed by the Charter, by action of the Agency at the amount authorized by state law. No other compensation shall be provided.

XIV. Ethics Training

In addition to the Members required by AB1234 to obtain ethics training, the Agencies shall require the following employees to meet the ethics training requirements of AB1234: City Manager, City Attorney, and City Clerk. Every person who completes the training shall record the date of training and the entity that provided the training. The Agency shall maintain records for five years. These records are subject to disclosure under the California Public Records Act.

CITY OF ALAMEDA RESOLUTION NO. _____

COMMUNITY IMPROVEMENT COMMISSION RESOLUTION NO. _____

HOUSING AUTHORITY BOARD OF COMMISSIONERS RESOLUTION NO. _____

ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY RESOLUTION
NO. _____

ADOPTING POLICY OF CITY COUNCIL, COMMUNITY IMPROVEMENT
COMMISSION, HOUSING AUTHORITY BOARD OF COMMISSIONERS AND
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY FOR EXPENSE
REIMBURSEMENT, COMPENSATION AND ETHICS TRAINING FOR ELECTED
OFFICIALS AND LEGISLATIVE BODY MEMBERS

WHEREAS, the City Council, Community Improvement Commission,
Housing Authority and ARRA take stewardship over the use of its public resources
seriously, and

WHEREAS, public resources should only be used when there is a
substantial benefit to these agencies, and

WHEREAS, such benefits include:

1. The opportunity to discuss the community's concerns with regional,
state and federal officials;
2. Participating in local, regional, state and national organizations
whose activities affect the agencies;
3. Attending educational seminars designed to improve officials' skill
and information levels; and
4. Promoting public service and morale by recognizing such service,
and
5. Attending local events directly related to the purpose of the agency,
and

WHEREAS, 1) legislative and other local, regional, state and federal
agency business is frequently conducted over meals; 2) sharing a meal with local,
regional, state and federal officials is frequently the best opportunity for a more
extensive, focused and uninterrupted communication about the agency's policy
concerns; and, 3) each meal expenditure must comply with the limits and reporting
requirements of local, state and federal law, and

**Resolution #2-A
Special Joint Meeting
CC, ARRA, CIC, HABOC
5-16-06**

Approved as to Form

CITY ATTORNEY

WHEREAS, this policy provides guidance to elected and appointed officials on the used and expenditure of agency resources, as well as the standards against which those expenditures will be measured, and

WHEREAS, this policy will satisfy the requirements of Government Code sections 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities, and

WHEREAS, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources, and

WHEREAS, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws, and

WHEREAS, this policy also applies to any charges made to a City of Alameda credit card, cash advances or other line of credit.

THEREFORE, BE IT RESOLVED, that the City Council, Community Improvement Commission, Housing Authority Board of Commissioners, and ARRA Board hereby adopt the Alameda Expense Reimbursement, Compensation and Ethics Training Policy for Elected and Officials Appointed to Other Legislative Bodies as attached and as may be amended by the agencies from time to time.

* * * * *

EXPENSE REIMBURSEMENT, COMPENSATION AND ETHICS TRAINING POLICY

I. Policy Statement

The City of Alameda and its related Agencies recognize the constructive value of professional conferences, seminars, meetings and training and provides travel funds for officials, who attend such official events. Agency members shall be entitled to reimbursement for their reasonable, actual and necessary expenses associated with travel, meals, lodging and other actual and necessary expenses associated with attending such events in a manner and in the amounts as set forth in this policy. This policy shall apply to the City Council and members of the Community Improvement Commission, the Housing Authority Board of Commissioners and the Alameda Reuse and Redevelopment Authority. It shall also apply to the members of the following municipal legislative bodies: Civil Service Board, Commission on Disability Issues, Economic Development Commission, Film Commission, Golf Commission, Historic Advisory Board, Housing and Building Code Hearing and Appeals Board, Housing Commission, Library Board, Pension Board, Planning Board, Public Art Commission, Public Utilities Board, Recreation and Park Commission, Social Service Human Relations Board, and Transportation Commission.

This policy is formally adopted by the City Council, Community Improvement Commission, Housing Authority Board of Commissioners and Alameda Reuse and Redevelopment Authority and any changes thereto shall also be adopted by the Agencies.

II. Definitions

For purposes of this policy, the following definitions shall apply:

- A. "Agency" shall include the City, Community Improvement Commission, Housing Authority Board of Commissioners, and Alameda Reuse and Redevelopment Authority.
- B. "Member" shall include members of City Council, the Community Improvement Commission; the Housing Authority Board of Commissioners; Alameda Reuse and Redevelopment Authority; and municipal legislative bodies, i.e. Civil Service Board, Commission on Disability Issues, Economic Development Commission, Film Commission, Golf Commission, Historic Advisory Board, Housing and Building Code Hearing and Appeals Board, Housing Commission, Library Board, Pension Board, Planning Board, Public Art Commission, Public Utilities Board, Recreation and Park Commission, Social Service Human Relations Board, and Transportation Commission.

III. Authorized Expenses

Agency funds, equipment, supplies (including letterhead), titles, and staff time may only be used for authorized Agency business. Expenses incurred by Members engaging and/or participating in the following activities and/or events constitute authorized and reimbursable expenses (as long as other requirements of this policy are also met):

- A. Communicating with representatives of regional, state, national and local government and their various agencies and entities on Agency adopted or authorized policy positions;
- B. Attending educational seminars designed to improve Agency members' skill and information levels, including ethics training to fulfill the requirements of AB1234;
- C. Participating in regional, state, national, and local organizations related to the Agency's mission;
- D. Recognizing service to the Agency, e.g. thanking a longtime employee with a retirement gift or celebration of nominal cost;
- E. Attending local events which are directly related to the mission of the Agency e.g. Chamber of Commerce;
- F. Implementing an Agency-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member;
- G. Charitable events for institutions which have a purpose directly related to the Agency's mission; and
- H. All other expenditures, including international travel, with prior approval of the legislative body of the Agency.

IV. Unauthorized Expenses

The following expenditures incurred by Members in the course and scope of their official duties shall not be reimbursed without prior Agency approval:

- A. The personal portion of any trip;
- B. Political contributions or events;
- C. Family expenses, including those of a spouse/domestic partner when accompanying Member on official business, child or pet care;
- D. Entertainment Expenses, including theater, shows, movies (either in-room or at the theater), sporting events, golf, spa treatments, or other cultural events, etc.
- E. Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic and parking citations;
- F. Personal losses incurred while on Agency business.

V. Cost control

To conserve Agency resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Agency will be limited to the costs that fall within the guidelines, unless prior approval from the Agency is obtained at a public meeting.

A. Transportation

All travel on Agency business shall be planned to provide for the most economical mode of transportation reasonably available. Reasonable travel modes include: Air, private car and city-owned car.

Travel expenses shall be allowed or reimbursed for days actually spent on Agency business, for programmed days of a conference or meetings, and for time spent in travel to and from these events.

Expenses shall be computed for the days of the conference or event attended and for travel days not to exceed one day before and after the event and shall be allowed only if time and/or travel schedules prohibit travel at reasonable hours on the actual beginning and ending days of a conference. Reasonable hours are defined as between 7 a.m. and 11 p.m. Reimbursement for more than one day of travel to and from the destination must be approved in advance by the Agency.

1. Air Travel

Allowable costs for air travel shall be calculated by using the shortest and most direct route with the least number of en-route stops. All air travel shall be booked as far in advance as possible, so as to receive the lowest fares possible except where the lowest fare is for an overnight flight, which may be chosen by the individual but is not required. Members shall use government and group rates for travel offered in conjunction with the event when available. A Member shall not be reimbursed for the cost of first class air travel except in extraordinary circumstances and approved by the Agency.

2. City Car

Use of a city-owned car by Member is considered more economical than a private car. However, such use is limited to the availability of a pool car and is not mandatory. There shall be no allowance or reimbursement for transportation when a City-owned vehicle is used. However, any out-of-pocket expenses, including gas or maintenance costs incurred in operating the vehicle shall be

reimbursed upon presentation of receipts attached to the Travel and Expense Claim Form and Report.

3. Use of Private Vehicle

- a. Official duties of the Mayor and City Council Members require travel within the nine bay area counties. Based on mileage data, the amount of 167 miles is deemed reasonable for reimbursement on a monthly basis. The present Internal Revenue Code rate will be used to calculate the dollar amount.
- b. For travel by other Members or outside the nine bay area counties, if a personal vehicle is used for travel, reimbursement shall be based on the lesser of the following two costs:
 - 1) The least cost round-trip air travel available, or
 - 2) The allowable per mile cost, as defined in the Internal Revenue Code (with annual adjustments in the Internal Revenue Code), from Alameda.
- c. Car Rental
If a car rental is necessary, reimbursement will be at rental rates that are equal or less than those available through the State's travel program (www.catravelsmart.com).
- d. Taxis/Shuttles
Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
- e. Miscellaneous costs.
Bridge fares and road tolls, etc. are also reimbursable.

B. Lodging

1. Local Accommodations

Except where necessary and where approved in advance by the Agency, when possible, at a publicly noticed meeting, the Members will not be reimbursed for hotel expenditures incurred for events occurring within a 50-mile radius of Alameda except where the event begins before 8 a.m. or ends after 10 p.m. In the event reimbursement is warranted, such reimbursement shall be only for the reasonable rate of said accommodations as set forth below.

2. Non-local Accommodations

All Members traveling outside the 50-mile radius of Alameda shall be reimbursed the reasonable cost of the lodging and may either receive funds in advance, use a City-issued credit card, or be reimbursed for personal funds expended upon return from the trip.

Reimbursable days for lodging requests should correspond to the foregoing travel policy regarding dates of arrival and departure. Members are authorized for reimbursement for hotel accommodations for single occupancy.

3. Reasonable Rates for Lodging

Where the lodging is in connection with a conference or other organized educational activity, reimbursable lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, providing that lodging at the group rate is available at the time of booking. If the group rate is not available, the Member shall be entitled to reimbursement for actual costs of lodging that is comparable in location and quality. Government rates must be requested.

Where lodging is necessary for an activity that is not related to a conference or other organized educational activity, reimbursement shall be provided at the rate established by the Internal Revenue Service for the community in which the activity takes place unless there are no lodging facilities in reasonable proximity to the activity which offer that rate at the time of booking. In the event there are no such lodging facilities available at the IRS reimbursement rate, reimbursement shall be at the actual lodging rate so long as the activity has been approved by the Agency. In the event there is not enough time to seek prior approval of the activity by the Agency, approval shall be sought and received as soon thereafter as reasonably possible. In the event the Agency does not approve the activity for which the expenditure was made, the Agency member shall not be reimbursed therefore.

VI. Miscellaneous Expenses Associated with Travel Outside Alameda

Members shall be entitled to reimbursement for miscellaneous expenses incurred in the performance of their duties and in the course and scope of their activities as Members and which are reasonably related to Agency business including:

- A. Actual cost of telecommunication and fax charges when Members are away from an Agency worksite.
- B. Actual cost of telephone expenses, however, Members should endeavor to use Agency-provided calling cards or Agency-issued cell phones, if possible. If personal telephone or cell-phone bills are submitted for reimbursement, reimbursement will be calculated based on a percentage of total calls.
- C. If Internet access is necessary for Agency-related business, reimbursement will be at a maximum of \$15 per day.

- D. Reasonable laundry and/or dry cleaning charges when necessarily related to the activity while traveling on City business.
- E. Other miscellaneous charges reasonably related and necessary to the activity, including gratuities, parking, shuttle and taxi charges.

VIII. Meals

Members shall be entitled to reimbursement for meals and associated gratuities in an amount equivalent to the per diem rate provided to Agency employees, however, they shall be required to submit actual receipts documenting the expense as set forth below. Where the community standards and/or prevailing restaurant costs of the area exceed the per diem rate, Members shall be reimbursed for the actual costs of such meals and associated gratuities. Alcohol and bar expenses shall not be compensated without prior approval by the legislative body of the Agency.

Where Members are attending a conference or other organized educational activity, and a meal or meals are provided as part of the activity, Members shall not be reimbursed for any separate meal unless dietary needs require that the Council member purchase a different meal and/or city-related business necessitates that the Agency member miss the hosted meal.

Members who host a meal or meals in conjunction with an Agency-related business activity, shall be reimbursed for the actual costs of the meal and associated gratuities in accordance with the IRS schedule for the community in which the meal is eaten.

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The Mayor and Council Members may be supplied with various communication equipment and services including but not limited to cellular phones, facsimile connections and Internet connections. These services are deemed necessary for the public purposes of the Agency.

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From time to time, it may be necessary to request a cash advance to cover anticipated expenses while traveling or doing business for the Agency. Such request for an advance should be submitted to the City Manager's Office, at least 14 days prior to the need for the advance with the following information:

- A. The purpose of the expenditure(s);
- B. The benefits of such expenditures to the community;
- C. The anticipated amount of the expenditure(s) by type (for example, hotel rates, meal costs, transportation, etc.); and,
- D. The dates of the expenditure(s).

Any unused advance must be returned to the Agency treasury within two business days of the Member's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event there is uncertainty as to whether a request complies with this policy, a resolution will be sought from the Agency.

X. Expense Reports

In order to receive reimbursement Members shall complete and submit to the Finance Department a Travel and Expense Claim Form and Report ("Expense Report") within a reasonable time after incurring the expense and in any event no later than 30 days thereafter. The expense report shall be accompanied by all receipts documenting each expense, including those acquired by the use of an Agency credit card or through any cash advance. The Member shall verify that the expenses for which reimbursement is sought were incurred on behalf of the Agency in the performance of official duties and that they meet the policies established in this policy. Inability to provide such documentation in a timely fashion may result in the expense being borne by the Member. All expenses are subject to verification that they comply with this policy.

Members shall provide a brief report on meetings attended at the expense of the Agency at the next regular meeting of the relevant legislative body of the Agency. If multiple Members attended the same event, a joint report may be made.

All documents related to reimbursable expenditures, including but not limited to the Expense Report and actual receipts are public records subject to disclosure under the California Public Records Act. Any personal information including credit card numbers contained on any receipts may be redacted before publicly releasing such records.

XI. Credit Card Use

Use of an Agency-issued credit card shall be permissible for the reimbursable expenses listed herein. The credit card may not be used at any time for personal expenses, even if the Member subsequently reimburses the Agency.

XII. Policy Violations

Violations of this policy including falsifying expense reports may result in any or all of the following: (1) loss of reimbursement privileges, (2) demand for restitution to the Agency, (3) any other applicable state and federal penalties, including criminal prosecution. The Agency shall consider (1) or (2) above only at a publicly noticed Agency meeting at which a hearing shall be held to determine whether or not a Member has violated the policy and what the appropriate penalty shall be. The determination as to whether or not to hold such a hearing may be made only after a vote of a majority of the Agency members present at any meeting during which the matter is considered. The hearing shall not be a full adversarial evidentiary hearing, and there shall be no direct or

cross examination of witnesses except by the Members of the Agency. The Member who is being accused of violating the policy shall be entitled to present any evidence to the Agency as to the validity and propriety of expenditures for which reimbursement was sought. The Member being accused of violating the policy shall not participate in either the decision to hold the hearing or the decision on the hearing.

XIII. Compensation

The compensation of a Member of an Agency is set forth in the City Charter, or for any Agency not governed by the Charter, by action of the Agency at the amount authorized by state law. No other compensation shall be provided.

XIV. Ethics Training

In addition to the Members required by AB1234 to obtain ethics training, the Agencies shall require the following employees to meet the ethics training requirements of AB1234: City Manager, City Attorney, and City Clerk. Every person who completes the training shall record the date of training and the entity that provided the training. The Agency shall maintain records for five years. These records are subject to disclosure under the California Public Records Act.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2006.

Lara Weisiger, City Clerk
City of Alameda

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Community Improvement Commission of the City of Alameda in a Special Community Improvement Commission meeting assembled on the ____ day of _____, 2006 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this ____ day of _____, 2006.

Lara Weisiger, Secretary
Community Improvement Commission

Beverly Johnson, Chair
Community Improvement Commission

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Housing Authority Board of Commissioners in regular meeting assembled on the ____ day of _____, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said Commission this ____ day of _____, 2006.

Mike Pucci,
Executive Director/Secretary

Beverly Johnson, Chair
Board of Commissioners

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Governing Board of the Alameda Reuse and Redevelopment Authority in regular meeting assembled on the _____ day of _____, 2006, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said Authority this _____ day of _____, 2006.

Irma Glidden, Secretary
Alameda Reuse and Redevelopment Authority

**CITY OF ALAMEDA
MEMORANDUM**

Date: May 2, 2006

To: Honorable Mayor and Members of City Council
Chair and Members of Community Improvement Commission
Chair and Members of Alameda Reuse and Redevelopment Authority

From: Carol A. Korade
City Attorney/General Counsel

Re: Legal Services Provided by City Attorney and
General Counsel and Discussion of Staffing Options

Background

Alameda's legal needs are unique among the 438 cities in California. It is the only city under 100,000 population¹ in which all of the following are true:

- It has a closed military base in its jurisdiction for disposition and redevelopment
- It has a Housing Authority, providing affordable housing opportunities
- It has an active redevelopment agency, with ongoing development projects
- It owns a public utility company²
- It has lands held in the Tidelands Trust for the public interest
- It owns a municipal (public) golf course
- It has a full-service police, fire and paramedic service

The City's complex legal needs are provided by and through the City Attorney.³ In this capacity, the City Attorney's Office provides over 10,000 formal and informal legal opinions, contracts, transactional work and prepares all the legislation for each legislative body each year. The City Attorney defends the City entities against claims and lawsuits and initiates litigation on behalf of the City entities when directed to do so by the legislative body. The City receives an average of 126 claims a year and has averaged 16 active litigation cases per year for the past 15 years. The City is self-insured for all claims and lawsuits and workers' compensation matters. Since 1997, with the closure of the Naval Air Station Alameda, expansion of AP&T, and increased City redevelopment, the City's demand for legal services has more than doubled.

¹ There are only nine other cities in the state, including, San Francisco, Oakland, Los Angeles, Sacramento, San Diego, Vallejo, Long Beach, Oxnard and Fairfield, which include most of these criteria.

² Alameda is the only city in California which provides electric, Internet and cable television services to its citizens.

³ In addition to serving as legal advisor to the City Council, 26 City Boards, Commissions and Committees, the City Manager and City's Clerk's Offices and 13 City Departments, the City Attorney is also General Counsel to Alameda Power & Telecom, Community Improvement Commission ("CIC"), Alameda Reuse and Redevelopment Authority ("ARRA") and the Housing Authority.

**No changes to report.
Held over from 5/6/06
City Council Meeting.**

**Report 2-B
Special Joint Meeting
5-16-06**

Honorable Mayor and City Council
Members of Community Improvement Commission
Members of Alameda Reuse and Redevelopment Authority
May 2, 2006
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Current Organizational Model and Staffing Pattern for City Attorney's Office

The present composition of the City Attorney's Office is the City Attorney plus four full-time in-house assistants and/or deputies, supplemented with various outside counsel support. Even with City Attorney staffing of five full-time attorneys, the workload of each attorney has increased more than 30% since 1997, due to the increased demand for legal services. All in-house attorneys work 40-50 hours each week. The current budget for the five attorney staff of the City Attorney's Office is \$894,170 (including cost of benefits). This budget reflects an average hourly rate of \$76.00 (which includes the cost of benefits) based on a 45 hour work week for the five full-time municipal attorney staff.⁴ The City Attorney staff supervises the work of all outside counsel and no staff attorney has less than 10 years experience. By comparison, the average hourly rate of outside counsel is \$276—over three and ½ times more expensive than a staff attorney.⁵ The organizational model of permanent in-house attorney staffing, supplemented by discrete outside counsel services, is a model which is used by many cities. Attachment 1, a comparison of East Bay city attorney costs and staffing patterns, reflects that Alameda's City Attorney budget is on par with comparable cities.

In addition to the City Attorney's in-house staffing, the City Attorney has access to an outside counsel budget for the various City entities it represents. The outside counsel budgets function like a reserve or "contingency" fund for each entity, and is used to fund litigation and discrete areas of transactional expertise. Attachment 2 summarizes the City's current outside counsel budgets, and also shows expenditures to date. The existing outside counsel budgets were approved for FY 05/06 by the legislative body, as recommended by the City Manager. The City Council and other legislative bodies also adopted procedures and limitations on the City Attorney's expenditures from all outside counsel budgets, the imposition of monthly financial reporting requirements and restrictions on use of outside counsel from an outside counsel panel, chosen through an RFQ process. The outside counsel budgets for the City, ARRA and the Housing Authority have remained relatively constant for 10-15 years. Historically, the City Attorney's Office has expended less than 88% of its outside counsel funds, with an average annual cost savings of more than 12%.

With my departure on June 30, 2006, the City Attorney's Office will be operating with only two of its budgeted attorney positions, which is 40% of its legal staff (due to the loss of two staff attorneys last month), and 28% of its FY 04/05 professional staff (loss of two staff attorneys plus a laid off Management Analyst). Five in-house attorneys have been working at least 45 hours per week in order to meet the legal demands of the

⁴ Based upon a 36 hour work week, the average hourly rate is \$95 (includes cost of benefits).

⁵ Based on average of hourly rates of outside legal services panel established in December 2005, through RFQ process.

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City (approximately 1,000 total working hours a month each month). With only two attorneys in place, the City would suffer a loss of over 600 working hours a month to provide necessary legal services. It is not possible for the City Attorney's Office to provide necessary legal services with only an Acting City Attorney and one staff attorney starting July 1. Additionally, two in-house attorneys are insufficient to supervise this level of back-fill work by outside counsel.

In order to avoid the loss of significant legal services on July 1st, we are currently creating eligible lists from which to choose replacement of two vacant staff attorney positions, subject to Council direction on the staffing options.⁶ As part of the budget process for FY 06/07, the City Attorney's office analyzed the legal needs of the City based on input from the 13 City Departments and the City Manager's Office regarding the projects anticipated for the upcoming fiscal year. This information has been previously provided to the Council.⁷

Staffing Options for the City Attorney's Office

Attachment 3 is a chart reflecting four staffing options for the City Attorney's Office, with a comparison of function and cost for each Option summarized below:

Option One, is the existing staffing pattern of one City Attorney and four staff attorneys. The total budgeted personnel costs for this option is \$894,1470. Option One includes retaining the outside counsel budgets at their existing reserve levels, as shown in Attachment 2. Option One provides sufficient staffing to:

- Provide experienced and high level in-house attorney work at a good value (\$76/hour)
- Provide necessary supervision to outside counsel litigation and transactional work to continue to keep outside counsel costs controlled
- Maintain synergy between City departments through in-house attorney consistency and institutional knowledge
- Provide maximum risk shifting and risk avoidance through proactive legal work

⁶ Recruitment is likely to be made more difficult due to a professional perception of instability in the City Attorney's Office, with my departure on June 30th and lack of a permanent City Attorney appointment. (It is important for professional personnel to know who their boss will be, when deciding on a career move which will include a period of probationary employment.)

⁷ The past few years have seen an unprecedented request for legal services outside the municipal area. A portion of these include the Navy negotiations/base transfer issues; litigation and transactional issues on the Bridgeside condemnation and transfer and Alameda Theater; the new main library; legal support for growth of AP&T and significant litigation; ferry issues; the *Alameda Beltline* litigation; Harbor Island Apartments litigation; Measure A issues and litigation; transactional and litigation services to complete the Navy transfer of the FISC site and the Catellus development; environmental/remediation issues, to name only a few.

Option Two shows a reduced attorney staff pattern of one City Attorney and three staff attorneys. It is recommended that with the Option Two reduced attorney staffing, that the remaining staff attorneys be high level and capable of complex legal work. This Option shows a \$143,298 or 16% salary/benefit savings over Option One. Outside counsel budgets would be maintained at their existing reserve levels. Option Two provides in-house attorney staffing to:

- Provide experienced and high level in-house attorney work at a good value (\$76/hour)
- Provide supervision to outside counsel litigation and transactional work, but increase expenditures from outside counsel budget or limit legal services
- Maintain synergy between City Departments through in-house attorney consistency and institutional knowledge
- Provide some risk shifting/risk avoidance, but less proactive legal work and more "triage" in approach

Option Three shows a reduced attorney staff pattern, plus the addition of a Management Analyst. Management of claims and resulting litigation must be coordinated with and supervised by the City Attorney's Office. In the FY 05/06 budget cycle, the City Attorney's Office had to lay-off a Management Analyst as part of an overall budget cut of \$330,000. "Option Three" is the same staffing pattern as Option 2, but includes restoring a full-time Management Analyst. This Option shows a \$32,965, or 4% salary savings over Option One. Option Three compares with Option Two above, but permits better risk shifting/risk avoidance and proactive legal work with reinstatement of personnel to provide in-house claims management.

Option Four is the retention of existing attorney staff only—one City Attorney and two staff attorneys, and providing the additional legal work required by the City, ARRA, CIC and Housing Authority through the use of outside counsel resources. The existing outside counsel budget would be insufficient to provide necessary legal services for this Option, given the cost differential between in-house attorney staffing (\$76/hour average) and outside counsel staffing (\$276/hour average). We are sensitive to the fact that outside counsel costs have been a source of public discussion and that the City Council has expressed a desire to keep these outside counsel costs controlled. Option Four is the least cost effective and least efficient model:

- Provides a salary/benefit savings of approximately \$331,577, but increases the outside counsel budget by the same amount for no net cost savings
- Outside counsel costs are over 3 ½ times higher than in-house staffing, and therefore, only 30% as efficient
- In house attorneys work at least 45 hours a week (equivalent to 35 "billable" hours a week), with an annual billable rate of 1,820 hours each (times two attorneys). At an average outside counsel billable rate of \$276 times 3,640

hours, the potential cost of outside counsel to replace the work of two staff attorneys is over \$1,000,000; even if the outside counsel budget was enhanced by the \$331,557 salary savings of two unfilled attorney positions, there would still be a deficit of over \$600,000 in costs necessary to fund this option.

- Provides insufficient in-house attorney staffing to maintain synergy and legal continuity between departments (many City projects have implications for multiple departments, such as affordable housing projects between Development Services, Housing Authority and Planning and Building, or development and redevelopment projects between Development Services and Public Works)
- Provides insufficient in-house attorney staffing to supervise outside counsel work, therefore likely to lead to error and inconsistency in the legal product
- Provides less access to legal support by departments, given the "pay as you go" model of outside counsel services
- Increases costs by paying outside counsel to "learn Alameda" repeatedly (lack of continuity)
- Increases risks of litigation costs, where same outside counsel firm providing transactional advice also provides resulting litigation services

Fiscal Impact

There would be no fiscal impact by maintaining the current City Attorney staffing pattern. This budget was approved in July 2005. A FY 06/07 budget based on the current City Attorney staffing pattern will not result in any overall budget increase from FY 05/06.

Option Two—reduced staffing pattern of one City Attorney and three staff attorneys. The salary/benefit cost for this attorney staffing pattern is \$750,880, which is a savings of \$143,290 in salary/benefits over the current budget.

Option Three—reduced staffing pattern of one City Attorney and three staff attorneys, but restoring a Management Analyst. The salary/benefit cost for this staffing patterns is \$861,205, which is a savings of \$32,965 in salary/benefits over the current budget.

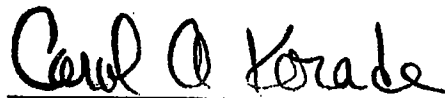
Option Four—reduced staffing pattern of one City Attorney and two staff attorneys with a corresponding increase in outside counsel budget to back-fill legal services—would not result in any cost savings over FY 05/06 budget and could potentially be more expensive (up to an additional \$600,000 in outside counsel costs, even with a transfer of \$331,557 in salary savings to the current outside counsel budget), due to the three-to-one expense comparison of outside counsel/contract attorney costs vs. in-house attorney costs.

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Recommendation

Option One is recommended as the optimum City Attorney staffing pattern;

- However, with greater risk assumption by the City, Options Three or Two can be recommended, in increased order of risk assumption
- Option Four is not recommended, due to its high cost, inherent inefficiencies and increased risk exposure



Carol A. Korade
City Attorney/General Counsel

Attachment

CITY ATTORNEY'S OFFICE COST COMPARISON													
	Survey Questions	Alameda	Daly City	Hayward	Mt. View	Palo Alto	Redwood City	Richmond	San Leandro	San Mateo	Santa Clara	Vallejo	Walnut Creek
1	Activities Supported:												
	Do you provide legal services to a Housing Authority?	X	X				X				X	X	
	Do you provide legal services to a municipal utility company?	X			X Water	X					X	X water	
	Do you provide legal services to a municipally-owned telecom provider?	X											
	Do you provide legal services to a local reuse authority for purposes of acquiring or redeveloping a closed military base within your jurisdiction?	X						X				X	
	Does your city have full in-house police staffing, as opposed to contracting for public safety services with your county?	X	X	X	X	X	X	X	X	X	X	X	X
	Does your city have full in-house fire staffing, as opposed to contracting for public safety services with your county?	X	X	X	X	X	X	X		X	X	X	
	Does your City own a municipal golf course for which you provide legal services?	X			X	X			X	X	X	X	X
	Do you provide legal services for the construction of a new municipal parking structure?	X	X	X	X	X	X			X	X	X	X
	Does your city have an historic preservation district and do you provide legal services for the preservation of historic structures?	X			X	X		X	X	X	X	X	
	Do you provide legal services to a ferry system?	X										X	
	Do you provide legal services to your city regarding the Coastal Conservancy Act or Tidelands Trust (i.e., if your city is located adjacent to the coast or a public waterway)?	X	X			X		X		X		X	
	Do you provide legal services to support the renovation of a historic theatre or other major redevelopment project?	X										X	
2	How many authorized attorney positions do you have in your office?	5	3	6	5	7	2	6	Contract Attorney	4	5	5	3.75
3	What is your total fiscal year budget for the City Attorney's Office (including salaries and overhead for attorneys, support staff, materials/conferences/office equipment, etc.)	\$ 867,933	\$ 716,000	\$ 926,000	\$ 1,000,000	\$ 2,544,665	\$ 613,000	\$ 1,552,476	\$ 814,477	\$ 1,536,650	\$ 1,054,651	\$ 900,000	\$ 897,000
4	What is your City Attorney's Office fiscal year outside counsel budget?	\$ 465,000	Add'l payments made (# unknown)	\$ 319,000	Add'l payments made (# unknown)	\$ 500,000	Add'l payments made (# unknown)	Add'l payments made (# unknown)	Included in #3 above	\$ 420,350	Add'l payments made (# unknown)	\$ 500,000	Add'l payments made (# unknown)

SUMMARY OF OUTSIDE COUNSEL BUDGET AS OF FEBRUARY 28, 2006

	Approved Maximum Legal Fees/Costs	Legal Fees/Costs Expenditure Paid thru 2/28/06	Remaining Available Balance as of 2/28/06
City Legal*	\$ 465,000.00	\$ 189,032.00	\$ 275,968.00
AP&T Electric**	\$ 200,000.00	\$ 35,057.21	\$ 164,942.79
AP&T Telecom***	\$ 200,000.00	\$ 12,268.30	\$ 187,731.70
ARRA****	\$ 484,000.00	\$ 108,671.75	\$ 375,328.25
HA*****	\$ 41,520.00	\$ 2,660.50	\$ 38,859.50
	\$ 1,390,520.00	\$ 347,689.76	\$ 1,042,830.24
		25%	75%

*City's Outside Legal budget funds City initiation of litigation and litigation defense and specialty transactional work. This budget has remained relatively constant for 15 years.

**AP&T Electric Outside Legal budget funds AP&T litigation and specialty transactional work pertaining to electric utility distribution and regulation. This budget varies from year to year, depending on projected project or litigation needs of the AP&T electric.

***AP&T Telecom Outside Legal budget funds AP&T litigation and specialty transactional work pertaining to telecommunications. This budget varies from year to year, depending on projected project or litigation needs of AP&T telecom.

****ARRA Outside Legal budget funds ARRA litigation and specialty transactional work pertaining to federal regulations (BRAC process), environmental remediation, negotiation of specialty environmental insurance products and leasing/redevelopment. This budget has remained relatively constant for 10 years.

*****Housing Authority Outside Legal budget funds Housing Authority litigation, such as unlawful detainer actions and disputes with HUD. This budget has remained relatively constant for many years.

There is no CIC outside counsel legal budget reserve. Legal costs of various redevelopment projects are part of the "project costs," largely funded by the project development (e.g., the Alameda Theater project and litigation costs flowing from the Alameda Theater project.)

Option 1		Option 2	
Current Attorney Staffing		Reduced Attorney Staffing	
CA	\$ 231,008	CA	\$ 231,008
ACA II	\$ 183,624	ACA II	\$ 183,620
ACA II	\$ 183,624	ACA I	\$ 168,126
DCA II	\$ 147,957	ACA I	\$ 168,126
DCA II	\$ 147,957		\$ 750,880
	\$ 894,170		
		Savings	\$ 143,290
			16%
Option 3		Option 4	
Reduced Attorney Staffing/ Restored Risk Professional		Further Reduced Attorney Staffing with Increased Outside Counsel Budget	
CA	\$ 231,008	CA	\$ 231,008
ACA II	\$ 183,620	ACAII	\$ 183,620
ACA I	\$ 168,126	ACA I	\$ 168,126
ACA I	\$ 168,126	Outside Counsel	Increased
MA	\$ 110,325		
	\$ 861,205		
Savings	\$ 32,965	Savings	None
	4%		